

TABLE OF CONTENTS

LIST OF EXHIBITS	ii
CHART - OVERVIEW OF ENVIRONMENTAL PROCESS/ REQUIREMENTS	iv
GLOSSARY	v
ENVIRONMENTAL OVERVIEW	1
ENVIRONMENTAL REVIEW PROCESS	2
ENVIRONMENTAL IMPACT STATEMENT (EIS)	2
ENVIRONMENTAL ASSESSMENT PROJECTS (EA) AND REQUIREMENTS	3
CATEGORICALLY EXCLUDED PROJECTS (CES AND CENST)	7
EXEMPT PROJECTS	10
ADOPTION OF ANOTHER AGENCY'S ENVIRONMENTAL STATEMENT OR ENVIRONMENTAL ASSESSMENT	10
PROJECT SCOPE CHANGE	11

LIST OF EXHIBITS

A-1	ENVIRONMENTAL REVIEW REQUIREMENT CHECKLIST	12
A-2	CALENDAR SHOWING PUBLIC COMMENT PERIOD FOR A PROJECT IN A FLOODPLAIN REQUIRING AN ENVIRONMENTAL ASSESSMENT	13
A-3	CALENDAR SHOWING PUBLIC COMMENT PERIOD FOR A PROJECT NOT IN A FLOODPLAIN REQUIRING AN ENVIRONMENTAL ASSESSMENT	14
A-4	OUTLINE FOR ENVIRONMENTAL ASSESSMENT PROJECT NARRATIVE	15
A-5	SAMPLE OF AN ENVIRONMENTAL ASSESSMENT NARRATIVE	16
A-6	STATUTORY CHECKLIST	19
A-7	DOCUMENTATION FOR THE STATUTORY CHECKLIST	21
A-8	SAMPLE STATUTORY CHECKLIST	29
A-9	ENVIRONMENTAL ASSESSMENT CHECKLIST	31
A-10	SAMPLE FLOODPLAINS AND WETLANDS NOTICE - EARLY PUBLIC NOTICE	34
A-11	SAMPLE NOTICE OF EXPLANATION	35
A-12	CONCURRENT NOTICE	36
A-13	DISTRIBUTION LIST	39
A-14	REQUEST FOR RELEASE OF FUNDS AND CERTIFICATION	40
A-15	FINDING OF CATEGORICAL EXCLUSION	42
A-15(a)	SUGGESTED FORMAT FOR CATEGORICALLY EXCLUDED PROJECTS SUBJECT TO § 58.5	43
A-16	NOTICE OF INTENT TO REQUEST A RELEASE OF FUNDS	48
A-17	CALENDAR SHOWING PUBLIC COMMENT PERIOD FOR A CATEGORICALLY EXCLUDED PROJECT IN A FLOODPLAIN	51
A-18	CALENDAR SHOWING PUBLIC COMMENT PERIOD FOR A CATEGORICALLY EXCLUDED PROJECT NOT IN A FLOODPLAIN	52
A-19	OUTLINE FOR FINDING OF EXEMPTION OR CATEGORICALLY EXCLUDED NOT SUBJECT (CENST)TO STATUS NARRATIVE	53
A-19(a)	CERTIFICATION OF CATEGORICALLY EXCLUDED (NOT SUBJECT TO § 58.5)	55
A-19(b)	CERTIFICATION OF EXEMPT STATUS	59

A-19(c)	SEC. 58.4 EXEMPT ACTIVITIES	60
A-20	SUMMARY OF PROCEDURES AND REQUIREMENTS OF APPLICABLE FEDERAL LAWS AND REGULATIONS	64
A-21	SAMPLE LETTER OF REMOVAL OF ENVIRONMENTAL CONDITION	66
A-22	TRIBAL CONSULTATION UNDER THE NATIONAL HISTORIC PRESERVATION ACT	67
A-23	REQUIRED TRIBAL CONSULTATION BY TENNESSEE COUNTY	72

1	ENVIRONMENTAL IMPACT STATEMENT	ENVIRONMENTAL ASSESSMENT	CATEGORICALLY EXCLUDED	CENST / EXEMPT	
2	Contact ECD	Statutory Checklist Exhibit (A-6)	Statutory Checklist Exhibit (A-6)	Statutory Checklist Exhibit (A-6)	
		Environmental Assessment Checklist, Text/Map (Exhibit A-9 & A-4)	Document Finding of Categorical Exclusion/Map (Exhibit A-15)	Narrative Finding of CENST/ Map (Exhibit A-19(a)) Document Finding of Exemption/ Map (Exhibit A-19(b))	
		Floodplain	Not in Floodplain	Floodplain	Not in Floodplain
		Publish/ Distribute EPN (Exhibit A-10)		Publish/ Distribute EPN (Exhibit A-10)	
		15 days		15 days	
		Publish/ Distribute NOE (Exhibit A-11) Concurrent Notice (Exhibit A-12)	Publish/ Distribute Concurrent Notice (Exhibit A-12)	Publish/ Distribute NOE (Exhibit A-11) NOI/RROF (Exhibit A-16)	Publish/ Distribute NOI/RROF (Exhibit A-16)
	15 days	15 days	7 days	7 days	
3		Submit Original of ERR to ECD	Submit Original of ERR to ECD	Submit Original of ERR to ECD	
		15 days	15 days		
4		ECD sends Letter of Removal of Environmental Condition (Exhibit A-21)	ECD sends Letter of Removal of Environmental Condition (Exhibit A-21)	ECD sends Letter of Removal of Environmental Condition (Exhibit A-21)	

GLOSSARY

Certifying Officer (CO)

The *Certifying Officer* (CO) means the official who is authorized to execute all environmentally related material and has the legal capacity to carry out the responsibilities of the CDBG project.

Concurrent Notice

The *Concurrent Notice* includes the Finding of No Significant Impact (FONSI) and Notice of Intent to Request Release of Funds (NOI/RROF).

Categorically Excluded Not Subject To Federal Environmental Regulations (CENST)

Categorically Excluded Not Subject To Federal environmental regulations (CENST) projects are activities that the Department of Housing and Urban Development has determined will not alter any conditions that would require a review or compliance under the environmental Federal laws and authorities. These projects are still required to comply with other Federal requirements.

Categorically Excluded Subject to Federal Environmental Regulations (CES)

Categorically Excluded Subject to Federal environmental regulations (CES) projects are excluded from NEPA reviews, but are still subject to other Federal environmental laws and authorities.

Department of Economic and Community Development (ECD)

The *Department of Economic and Community Development* is the Tennessee authority that administers the Department of Housing and Urban Development (HUD) grants for the Community Development Block Grant (CDBG) program.

Environmental Assessment (EA)

The *Environmental Assessment* (EA) is an environmental review which requires a more detailed analysis than for projects that are exempt or categorically excluded.

Environmental Impact Statement (EIS)

The *Environmental Impact Statement* (EIS) is the most detailed level of analysis.

Early Public Notice (EPN)

The *Early Public Notice* (EPN) is the first notice which is required for all projects located in a floodplain and is published prior to any other notice. This notice must be sent to all interested parties identified on the distribution list.

Environmental Review Record (ERR)

The *Environmental Review Record* (ERR) contains all documents, public notices, and written determinations issued during the environmental review process.

Finding of No Significant Impact (FONSI)

The *Finding of No Significant Impact* (FONSI) is published and sent to all interested parties on projects that require an environmental assessment. It is included in the Concurrent Notice.

Letter of Removal of Environmental Condition (LOREC)

The *Letter of Removal of Environmental Condition* will be sent to the recipient after the environmental requirements have been satisfied.

National Environmental Policy Act (NEPA)

The *National Environmental Policy Act* establishes national environmental policy and goals for the protection, maintenance, and enhancement of the environment and provides a process for implementing these goals within the federal agencies.

Notice of Explanation (NOE)

The *Notice of Explanation* is the second notice required for all projects located in a floodplain. It can be published concurrently with other publications 15 days after the Early Public Notice is published. This notice must also be sent to all interested parties.

Notice of Intent to Request a Release of Funds (NOI/RROF)

The *Notice of Intent to Request a Release of Funds* is published and sent to all interested parties on projects that are categorically excluded or require an environmental assessment. It is also included in the Concurrent Notice.

Notice of Release of Contract Conditions (NORCC)

The *Notice of Release of Contract Conditions* is received after environmental conditions and contract conditions have been satisfied.

Request for Release of Funds and Certification (RROFC)

The *Request for Release of Funds and Certification* certifies that all environmental activities have been covered or adhered to. The Request for Release of Funds and Certification, along with the ERR and proof of publication of the appropriate notice(s), must be sent to the Department of Economic and Community Development.

State Historic Preservation Office (SHPO)

The *State Historic Preservation Office* is required to be consulted as part of the Environmental Assessment.

Tribal Historic Preservation Office (THPO)

The *Tribal Historic Preservation Office* is required to be consulted as part of the Environmental Assessment.

ENVIRONMENTAL OVERVIEW

In order to proceed with your project, you must implement it in compliance with the National Environmental Policy Act (NEPA), and the environmental requirements of other Federal laws covering historic properties, noise, air quality, floodplains, wetlands, water quality, solid waste management, man-made hazards, farmlands protection, wild and scenic rivers, coastal areas, endangered species and environmental justice.

Your environmental responsibilities have both legal and financial ramifications. As part of your assurances, the **mayor or county mayor/executive** must assume the role of the responsible Certifying Officer (CO) under the provisions of NEPA. This person is the environmental CO and must sign all environmentally related material. This means that if someone brings suit against your project in Federal court on environmental grounds, the mayor or county mayor/executive acting as the environmental CO, will be named as the responsible party.

In terms of financial responsibility, you cannot obligate or expend block grant funds until you have completed the environmental requirements and satisfied all contract conditions. (The only exceptions from the environmental requirements are listed further on as Exempt or Categorically Excluded Not Subject to Federal environmental regulations (CENST) projects.) After the environmental requirements have been completed, you will receive a Letter of Removal of Environmental Condition (LOREC). Even though you receive this letter stating environmental requirements have been completed, **funds cannot be obligated or expended until all contract conditions have been satisfied and you receive a Final Notice of Release of Contract Conditions (refer to Financial Chapter B).**

Activities Prior to Receipt of Final Notice of Release of Contract Conditions:

The only tasks that may be undertaken prior to receiving the Letter of Removal of Environmental Condition (LOREC) are the following exempt activities:

1. Eligible administrative costs
2. Engineering design
3. Environmental review

In order to follow all the requirements, rules, regulations, etc., an Environmental Review Record (ERR) must be maintained. The ERR describes the project and its environmentally related activities, and contains all original documents, public notices, and written determinations issued during the environmental review process. A copy of the ERR must be available at the city or county for public review, and another ERR, containing all original signatures and publications, bound in a 3-ring binder or notebook, must be sent to the State. **If an incomplete ERR is received, the State's 15-day comment period will not begin until all required information is received.** The ERR can be emailed to your project representative at ECD; however, the signature pages must be mailed. The project representative can begin review of the ERR without the signature pages, but the LOREC will not be issued until those are received.

ENVIRONMENTAL REVIEW PROCESS

The environmental review process can be divided into four basic steps (see the chart on page vii which outlines the steps of the process in detail). The first step is to determine into which of the four environmental review categories your project should be placed based on the definition of each category. Projects may be categorized into one of the following NEPA categories:

1. Environmental Impact Statement (EIS)
2. Environmental Assessment (EA)
3. Categorically Excluded Subject to Federal Environmental Laws (CES)
4. Categorically Excluded Converting to Exempt
5. Categorically Excluded not Subject to Federal Environmental Laws (CENST)
6. Exempt

The second step is to complete all of the environmental requirements based on the category selected in the first step. The grantee must maintain a written record of the environmental review undertaken for each project. This document shall be designated the Environmental Review Record (ERR) and shall contain all original documents, public notices, and written determinations issued during the environmental review process. The ERR must be available for public review.

The third step is to submit the **entire** ERR to the Department of Economic and Community Development (ECD). At this time, ECD will review the ERR for completeness and compliance, and initiate a 15-day comment period so that interested parties may respond to the project. After the 15-day comment period and ECD approval, you will receive the LOREC, the fourth step. After you receive the LOREC and the Notice of Removal of Contract conditions (NORCC), you can begin to obligate or spend money to implement your project.

The following is a summary of the definitions and requirements for each of the four review categories. For a more detailed description, the recipient should refer to *Environmental Review Procedures for Title I CDBG*, 24 CFR Part 58.

ENVIRONMENTAL IMPACT STATEMENT

An Environmental Impact Statement (EIS) is required under any of the following circumstances:

1. The project is determined to have a potentially significant impact on the human environment;
2. The project would provide a site(s) for hospitals and nursing homes containing a total of 2,500 or more beds;

3. The project would remove, demolish, convert, or substantially rehabilitate 2,500 or more existing housing units; or
4. The project would provide enough additional water and sewer capacity to support 2,500 or more additional housing units.

If any of the above conditions are met, the recipient should immediately contact ECD for assistance.

ENVIRONMENTAL ASSESSMENT PROJECTS

Projects that involve new construction or substantial improvements to existing facilities will require an Environmental Assessment (EA). Examples of these projects include:

1. New Construction
 - New building on vacant site
 - Water/sewer line construction to an area not serviced
 - New water storage tank
2. Substantial Improvements
 - Doubling the size of an existing building
 - Increasing employment by more than 20%
 - Changing the land use
 - Increasing the capacity of a facility by more than 20%

ENVIRONMENTAL ASSESSMENT REQUIREMENTS

Early in the EA of a project, the grantee must initiate coordination and consultation with concerned Federal Agencies or with designated State Agencies responsible for administering State programs. The grantee must also complete all procedures and take other actions required under the provisions of applicable laws (see Summary of Procedures and Requirements of Applicable Federal Laws and Regulations – Exhibit A-20). Any such actions shall be integrated into the EA and documented in the ERR.

EA projects require the completion of the following:

Statutory Checklist

The Statutory Checklist (Exhibit A-6) documents compliance with Federal laws, regulations and Executive Orders. It includes a listing of applicable statutes and regulations by twelve areas of compliance. The degree of impact for each of the twelve areas must be assessed ranging from “not applicable...” to “mitigation required.” A specific source, including the name of the field observer, title, agency, and date contacted, must be documented for each area. The sources must be persons with professional expertise in the areas of compliance. In cases where a field

observer comments that the project's activities may have significant environmental impacts on a specific area, you must receive clarification and/or further documentation regarding whether and/or how the impacts could slow or stop the project, and what measures could be employed to lessen the effect. Note that because environmental regulations could pose problems, it may be necessary to investigate the impact of the project's activities as the project is proposed and developed. All documentation should be included in the ERR.

Historic Preservation Office Letters (SHPOs & THPOs)

Most properties will require a consult with both the State Historic Preservation Officer (SHPO) and the Tribal Historic Preservation Officer (THPO) to ensure that the project's activities will not damage sites of significant historical importance. A SHPO or THPO letter is the **only** acceptable documentation. It is suggested (although not required) that all correspondence with SHPO and THPOs be accompanied by some form of delivery confirmation or certified mail to prove the SHPO or THPO did receive the consult letter and failed to respond within the thirty day comment period.

See the guidelines for documenting the Statutory Checklist in Exhibit A-7 and a Sample Statutory Checklist in Exhibit A-8. the Statutory Checklist is Exhibit A-6. **See THPO contact information and Required Tribal Consultation by Tennessee County in Exhibits A-22 and A-23.**

State of Tennessee SHPO contact information:
Mr. Patrick McIntyre, Jr., Executive Director, SHPO
2941 Lebanon Road
Nashville, TN 37243-0442
Phone: 615-532-1550
Fax: 615-532-1549
E-mail: patrick.mcintyre@tn.gov

Environmental Assessment Checklist

The Environmental Assessment Checklist (A-9) contains thirty-six specific impact categories within seven major areas. The seven impact areas represent categories with related and overlapping issues. Some of these areas are also included on the Statutory Checklist (Exhibit A-6).

A project may be in compliance with the laws, regulations and Executive Orders stipulated on the Statutory Checklist yet still have an impact on the environment as listed on the Environmental Assessment Checklist. For example, there may be no statutes or regulations pertaining to Air Quality on the Statutory Checklist; however, during construction, there may be short-term dust levels that need proper mitigation. The appropriate code should be listed on the Environmental Assessment Checklist with reference to supporting documentation that should be included in the ERR.

If columns 3-6 are marked on the Statutory Checklist (A-6), these areas must be addressed in more detail in the “*Significant Environmental Impacts and Actions Taken to Minimize Adverse Impacts*” portion of the Project Narrative and the additional comment space provided with the Environmental Assessment Checklist. A specific source, including the name of the field observer, title, agency and date contacted, must be documented for each area of the thirty-six specific impact categories on the Environmental Assessment Checklist. The sources must be persons with professional expertise in the area of compliance.

Project Narrative

The primary purpose of the Narrative is to discuss in detail any adverse impacts and mitigating measures that were identified in the Environmental Assessment Checklist. The following areas should be included:

- I. General Information – The project name, location, type, cost, administrating agency, and contact person.
- II. Project Description – A description and purpose of the project.
- III. Existing Environmental Conditions
- IV. Significant Environmental Impacts and Actions Taken to Minimize Adverse Impacts
- V. Alternatives
- VI. Environmental Findings

The outline is included as Exhibit A-4 and an example of the Project Narrative is shown in Exhibit A-5.

When preparing the ERR for an industrial location project, the review should focus on the **entire scope** of the project, not only on the Community Development Block Grant (CDBG) funded portion of the project. The narrative description should reflect that the entire scope was considered when the environmental impact was assessed, particularly noting what the company actually does.

Map(s)

A project map(s), indicating the location of the project site(s), must be included in the ERR. The Federal Emergency Management Agency (FEMA) or Flood Boundary maps must also be included in the ERR.

Publications

EA projects require publication in the grantee’s local newspaper in order to inform the public of the environmental requirements for the proposed project. Required notices must be published a minimum of one time. The number of notices and the amount of time required for the local comment period depend on whether or not the project is located in a floodplain.

If the project is located within the floodplain, the grantee must first publish the Early Public Notice to inform the public that the project is in a floodplain, and allow fifteen days for public comment. The notice should (1) determine if there is a practical alternative, (2) identify adverse impacts, (3) identify methods to be used to minimize, restore and preserve the floodplains, and (4) re-evaluate alternatives (See Exhibit A-10). After waiting the fifteen days, pending no critical

comments, the Statutory Checklist, Environmental Assessment Checklist and Narrative may be signed and dated by the local official. Subsequently publish both the “Notice of Explanation” (Exhibit A-11), which explains the decision to locate the project in the floodplain, and the Concurrent Notice (Exhibit A-12). A second fifteen-day local comment period is required for these publications.

For projects not located in a floodplain, the grantee must publish the Concurrent Notice which is followed by a fifteen day local comment period. Publication dates must succeed the dates of the Statutory Checklist, Environmental Assessment Checklist, and Narrative.

When photocopies of the publications rather than the original publications are included in the ERR, an original publisher’s affidavit must be submitted in order to verify the actual date of publication.

Distribution List

Whenever **any** notice is published in the paper, a copy with a cover memo must be sent to all interested parties **on or immediately before the date of publication**. These include, but are not limited to, those agencies listed on the Distribution List (Exhibit A-13). The Distribution List and copies of all the cover memos must also be included in the ERR as proof that the agencies on the Distribution List were sent the required notices.

Flood Insurance

If the project is located in a floodplain and involves the construction or improvement to a structure, the grantee must have flood insurance. Documentation to prove this must be included in ERR.

Request for Release of Funds (ROFF) and Certification

The “Request for Release of Funds and Certification” (RROFC) (Exhibit A-14) must be completed and signed by the grantees Certifying Official (CO). This form certifies that the CO has complied with all Federal/State regulations in the environmental review process. The grantee must take into account any comments from the public or agencies in response to the published notices prior to completing this form. The original copy must be included in the ERR.

After all of the above activities have been completed, the ERR should be submitted to ECD. The “Environmental Review Requirements Checklist” (Exhibit A-1) should be completed by the grantee to ensure that all necessary forms have been included in the ERR and signed where appropriate.

Upon receipt of a **complete** Environmental Review Record containing all the required information at ECD, the fifteen day public comment period for the State will begin. After the completion of this period, ECD will send the “Letter of Removal of Environmental Condition” (LOREC, Exhibit A-21) to the grantee.

Sample calendars showing the public comment periods for Environmental Assessment projects located in a floodplain and for those not located in a floodplain can be found as Exhibits A-2 and A-3, respectively.

CATEGORICALLY EXCLUDED PROJECTS

Categorical exclusion refers to a category of activities for which no Environmental Impact Statement (EIS) or Environmental Assessment (EA) and finding of no significant impact under the National Environmental Policy Act (NEPA) is required. There are two types of categorically excluded projects – those subject to federal environmental laws (CES) and those not subject to federal environmental laws (CENST).

Categorically Excluded Projects Subject to Federal Environmental Laws

Projects not subject to NEPA requirements, but bound by other regulatory considerations and compliances are termed Categorically Excluded Subject to Federal Environmental Regulations (CES). These projects include:

1. Acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities and improvements (other than buildings), when the facilities and improvements are in place and will be retained in the same use without change in size or capacity of more than 20 percent (e.g., replacement of water or sewer lines, reconstruction of curbs and sidewalks, repaving of streets).
2. Special projects directed to the removal of material and architectural barriers that restrict the mobility and accessibility of elderly and handicapped persons.
3. Rehabilitation of buildings and improvements
 - a. Residential, multi-family buildings
 - i. Unit density is not increased by more than 20 percent;
 - ii. The project does not involve changes in land use from residential to non-residential or from one class of residential to another (e.g. from single family attached dwellings to high-rise multiple dwelling units; and
 - iii. The estimated cost of rehabilitation is less than 75 percent of the total estimated cost of replacement after rehabilitation.
 - b. Commercial and industrial rehabilitation activities
 - i. The facilities and improvements are in place and will not be changed in size or capacity by more than 20 percent; and
 - ii. The activity does not involve a change in land use, such as from non-residential to residential, commercial to industrial, or from one industrial use to another.
4. An individual action on up to four dwelling units where there is a maximum of four units on any one site. The units can be four one-unit buildings or one four-unit building or any combination in between.
5. Acquisition or disposition of an existing structure or acquisition of vacant land provided that the structure or land acquired or disposed of will be retained for the same use.

6. Combinations of the above activities.

CES Project Requirements

If the project is determined to be CES based on the above descriptions, the same environmental assessment requirements apply with the following exceptions:

1. An Environmental Assessment Checklist (Exhibit A-9) is **not** completed.
2. A Finding of Categorical Exclusion (Exhibit A-15) and the Suggested Format for CES projects subject to 58.5 (Exhibit A-15(a)) replaces the Environmental Assessment Narrative (Exhibit A-5). A map must also be included with SHPO and THPO letters, publications - if required - as well as the A-6 Statutory Checklist.

The time frame for public comment and the forms required for publication are different for a CES project than for an EA project. Publish the Notice of Intent to Request a Release of Funds (NOI/RROF – Exhibit A-16) instead of the Concurrent Notice. The local comment period is reduced from fifteen days to seven days.

Projects Located in a Floodplain

If the project **is** located within a floodplain, the grantee must publish the Early Public Notice (Exhibit A-10), for a comment period of fifteen days. Afterwards, publish both the Notice of Explanation (Exhibit A-11) and the NOI/RROF (Exhibit A-16). A seven day comment period is required for these publications. A calendar illustrating the comment periods for these type projects can be found as Exhibit A-17.

Projects Not Located in a Floodplain

If the project is not located in a floodplain, the grantee must publish the NOI/RROF for a comment period of seven days. A calendar illustrating the comment periods for these type projects can be found as Exhibit A-18.

At the end of the seven day comment period, the grantee must submit the ERR which includes the RROF, original publications, and all other environmentally related documents to the State. Upon receipt of the complete ERR, a fifteen day State comment period will begin. After the duration of this period, ECD will send the LOREC to the grantee.

Categorically Excluded Activities Converted to Exempt Activities

(24 CFR 58.34(a)(12))

Activities that are listed in §58.35(a) (1)-(6) as categorical exclusions may be converted into exempt activities under the following conditions:

- a. The Grantee completes a compliance determination under the Federal laws and authorities cited in §58.5 for the proposed activity.
- b. The Grantee concludes that no circumstances exist where any of the Federal laws and authorities require compliance with its own review procedures.

- c. The Grantee documents its conclusions on the compliance review (statutory checklist form A-6, A-15(a) and places them in the Environmental Review Record). No public notices are published and no request for Release of Funds and Certification is submitted. The Grantee documents that the activity did not trigger compliance with any Federal laws and authorities and consequently, the activity was converted into an exempt activity. All documents will be placed in the Environmental Review Record.

Categorically Excluded Projects Not Subject to (CENST) Federal Environmental Laws

Categorically Excluded Projects Not Subject to Federal Environmental Laws (CENST) are activities that have been determined to not alter any conditions that would require a review or compliance determination with Federal environmental laws. Such projects include:

1. Tenant based rental assistance
2. Operating costs including maintenance, security, operation, utilities, furnishings, equipment, supplies, staff training, and recruitment and other incidental costs.
3. Economic development activities, including but not limited to, equipment purchase, inventory financing, interest subsidy, operating expenses and similar costs not associated with construction or expansion of existing operations.

For a complete list of projects that qualify as CENST, see Exhibit A-19(c).

CENST Project Requirements

If the project is determined to be CENST based on the above descriptions, no Environmental Assessment (EA) is needed. The project, however, must still document in the ERR their compliance with the following requirements:

1. The Flood Disaster Protection Act which does not allow Federal funds to be spent in areas that the Federal Emergency Management Agency (FEMA) has identified as having special flood hazards unless certain conditions are met. (Further information can be found at 24 CFR 58.6(a)).
2. That the funds being used are not being used to make a payment to a person for repair, replacement or restoration for flood damage to any personal, residential or commercial property if:
 - a. The person had previously received Federal flood disaster assistance conditioned on obtaining and maintain flood insurance; and
 - b. The person failed to obtain and maintain flood insurance.
3. That the funds that are used are not being used for activities proposed in a Coastal Barrier Resources System.
4. That the funds being used are not being used for the purchase or sale of an existing property in a Runway Clear Zone (as defined in 24 CFR part 51).

Exhibits A-19 and A-19(a) should be used to document compliance with these requirements for the ERR. No publications or comment periods are necessary for CENST projects.

EXEMPT PROJECTS

Exempt projects, much like Categorically Excluded Not Subject to Federal Environmental Regulations (CENST), do not require compliance with any Federal environmental laws or authorities. The basis for qualifying a project or activity as Exempt is the underlying activity. A project, if it consists solely of the following activities, can be categorized as Exempt:

1. Eligible administrative costs
2. Engineering design
3. Environmental review
4. Public services that will not have a physical impact or result in any physical changes, including but not limited to services concerned with employment, crime prevention, child care, health, drug abuse, education, counseling, energy conservation and welfare or recreational needs;
5. The purchase of tools and/or equipment
6. Assistance for temporary or permanent improvements that do not alter environmental conditions that are limited to protection, repair or restoration activities necessary only to control or arrest the effects from disasters, imminent threats or physical deterioration.

Exempt Project Requirements

If the project is determined to be an Exempt activity, the grantee is required to include in the ERR:

1. The Finding of Exemption or CENST Narrative (Exhibit A-19)
2. A-6 Statutory Checklist
3. Project area map
4. SHPO and THPO letters

No publications or comment periods are necessary for Exempt projects.

ADOPTION OF ANOTHER AGENCY'S ENVIRONMENTAL IMPACT STATEMENTS OR ENVIRONMENTAL ASSESSMENTS

If an Environmental Impact Statement (EIS) or Environmental Assessment (EA) has been prepared on the project for another agency, the grantee may adopt this document as part of the environmental review requirements under the Community Development Block Grant (CDBG) program. However, the following must also be included:

1. A copy of the previous EIS/EA

2. An addendum to the previous EIS/EA stating that it is still valid
3. Environmental Review Requirement Checklist (Exhibit A-1)
4. Statutory Checklist (Exhibit A-6)
5. State Historic Preservation Office (SHPO) Letter
6. Tribal Historic Preservation Office (THPO) Letter
7. Map(s)
8. Distribution List (Exhibit A-13) and accompanying letters
9. Documentation of flood insurance (if applicable)
10. Request for Release of Funds and Certifications (Exhibit A-14)

NOTE: The Concurrent Notice and the floodplain notices (if applicable **must be** published even if a previous notice was published as part of the adopted EIS/EA. The time frame for public comment is the same as for EAs.

PROJECT SCOPE CHANGE

If there is a change in the scope of the project, the grantee must first notify the Tennessee Department of Economic and Community Development (ECD) for approval. ECD will request the necessary documentation then re-evaluate the original Environmental Assessment (EA) based on the new information to determine whether the Environmental Review Record (ERR) is still applicable. If the original ERR is still valid, the grantee will be required to submit an Addendum to the original ERR. The Addendum should include the following:

1. A description and map of the new project area
2. A statement explaining that the original review is still valid, and that there are no adverse impacts. The statement must be on official letterhead and signed and dated by the Certifying Officer (CO).
3. A current State Historic Preservation Office (SHPO) and Tribal Historic Preservation Office (THPO) letter related to the new project area.
4. A current Statutory Checklist related to the new project area.
5. The Environmental Review Requirements Checklist column titled “Addendum”

If it is determined that the original ERR is no longer applicable, the grantee must prepare a new environmental assessment review that includes all of the requirements for that type project.

ENVIRONMENTAL REVIEW REQUIREMENT CHECKLIST

REQUIREMENTS	Project Environmental Assessment	Project Categori- cally Excluded	CENST	Exempt	Adoption of Other Agencies' EA	Addendum
Written Text (Signature Date _____)*	<input type="checkbox"/>					
Description of Project	<input type="checkbox"/>					<input type="checkbox"/>
Existing Environmental	<input type="checkbox"/>					
Significant Adverse Actions/Mitigating Actions	<input type="checkbox"/>					
Alternatives	<input type="checkbox"/>					
Finding of No Significant Impact	<input type="checkbox"/>					
Environmental Assessment Checklist (Signature Date _____)*	<input type="checkbox"/>					
Statutory Checklist (Signature Date _____)*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Checklist for CENST projects			<input type="checkbox"/>			
SHPO Letter (Signature Date _____)*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
THPO Letter (Signature Date _____)*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Map	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public Notices (with proof)						
Early Public Notice (for floodplain projects) (Publication Date _____)	<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	
Notice of Explanation (for floodplain projects) (Publication Date _____)	<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	
Concurrent Notice (Publication Date _____)	<input type="checkbox"/>				<input type="checkbox"/>	
Notice of Intent to Request Release of Funds (Publication Date _____)		<input type="checkbox"/>				
Distribution List (with proof) (Date letters sent _____)	<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	
Documentation of Flood Insurance (for structures only)	<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	
Copy of Adopted EIS/EA					<input type="checkbox"/>	
Addendum of Validity					<input type="checkbox"/>	<input type="checkbox"/>
Finding of Categorical Exclusion (Signature Date _____)*		<input type="checkbox"/>				
Finding of Exemption or CENST Narrative (Signature Date _____)			<input type="checkbox"/>	<input type="checkbox"/>		
Request for Release of Funds/Certification (Signature Date _____)**	<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	

* The signature dates of these items should precede the publication date of the NOI/RROF or the Concurrent Notice and the Distribution List letters.

** Date should be after local review.

**PUBLIC COMMENT PERIOD FOR A PROJECT
IN A FLOODPLAIN
REQUIRING AN ENVIRONMENTAL ASSESSMENT**

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Publish Early Public Notice	Start counting 15-day comment period 1	2	3	4	5	6
7	8	9	10	11	12	13
14	Last day for applicant to receive comments 15	Publish FONSI, NOI/RROF and Notice of Explanation	Start counting 15-day comment period 1	2	3	4
5	6	7	8	9	10	11
12	13	14	Last day for applicant to receive comments 15	Request Release of Funds and submit ERR to ECD	Start counting 15-day comment period 1	2
3	4	5	6	7	8	9
10	11	12	13	14	Last day for ECD to receive comments 15	LOREC 16

**PUBLIC COMMENT PERIOD FOR A PROJECT
NOT IN A FLOODPLAIN
REQUIRING AN ENVIRONMENTAL ASSESSMENT**

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	Publish FONSI & NOI/RROF	Start counting 15-day comment period 1	2	3	4	5
6	7	8	9	10	11	12
13	14	Last day for applicant to receive comments 15	Request Release of Funds and submit ERR to ECD	Start counting 15-day comment period 1	2	3
4	5	6	7	8	9	10
11	12	13	14	Last day for ECD to receive comments 15	LOREC	

<p style="text-align: center;">OUTLINE FOR ENVIRONMENTAL ASSESSMENT PROJECT NARRATIVE</p>
--

- I. GENERAL INFORMATION
 - A. Project name
 - B. Project location
 - C. Project type
 - D. Cost (source and amounts)
 - E. Administrative agency
 - F. Applicant and contact person
- II. DESCRIPTION
 - A. Project description
 - B. Project purpose (problem/need)
 - C. Map
- III. EXISTING ENVIRONMENTAL CONDITIONS
 - A. Land use
 - B. Soils
 - C. Etc.
- IV. SIGNIFICANT ENVIRONMENTAL IMPACTS AND ACTIONS
TAKEN TO MINIMIZE ADVERSE IMPACTS
[based on "EA Checklist" (COLUMNS 3 - 6 marked)]
- V. ALTERNATIVES
- VI. FINDING
 - A. EIS not required
 - B. EIS required

**SAMPLE
ENVIRONMENTAL ASSESSMENT PROJECT NARRATIVE**

I. GENERAL INFORMATION

- A. *Project Name:* Anytown Water Storage Facility
- B. *Project Location:* 100 Any Avenue
City of Anytown
County of Anywhere, Tennessee
- C. *Project Type:* Construction of an elevated 500,000 gallon capacity water storage facility
- D. *Cost (source):*
- | Total | CDBG | RD Grant | RD Loan |
|-------------|-----------|-----------|-----------|
| \$1,000,000 | \$500,000 | \$250,000 | \$250,000 |
- E. *Administrative Agency:* Anytown Water District
- F. *Applicant and Contact Person:* City of Anytown
City Hall
Anytown, Tennessee 37000
- Mayor Jane Public
(111) 555-5555

II. DESCRIPTION OF PROJECT

The project consists of the construction of an elevated water storage facility, with 500,000 gallon capacity. It is to be located on the right-of-way of an abandoned railroad, in Census Tract 106. The site is adjacent to a residential area as shown in Attachment I. Upon completion, the facility is to be painted a light blue, and the grounds landscaped. Construction time is estimated at 8 months, after which only nominal activity (biweekly monitoring) will be conducted on site.

The purpose of the project is to provide an alternative to the 400,000 gallon ground storage facility that has been found in violation of State water quality standards. The State has mandated discontinuation of the use of the substandard facility by January 1, 20XX. There is an existing need for the increased capacity of the new facility. The proposed project will upgrade the community's water supply system into compliance with State regulations.

Funding for the proposed project has been allocated from the City's Community Development Block Grant, Fiscal Year 20XX. The land is owned outright by the City, which shall retain title to the property and improvements under the operating agency of the Anytown Water District.

Site and elevation maps, as well as preliminary design specifications, have been developed. The State Water Quality Control Board has tentatively approved the project, based on design specifications available to date. The project was reviewed and approved by the public as part of a general hearing held to review the City's application for Community Development Block Grant funds, and subsequently endorsed by the City Council acting as Board of Directors for the Anytown Water District. Individual residents of the immediate area have expressed interest in aspects of the project design, and the proposed light blue paint and park-like landscaping are responsive to their concerns.

III. EXISTING ENVIRONMENTAL CONDITIONS

The site proposed for the project is an odd-shaped parcel, approximately one-half acre in size. Located adjacent to the old G & K Railroad, abandoned since 1962, the site is flat with scattered ground cover consisting of wild shrub and grass. There is a problem with litter, and residents have complained of the spot as an eyesore. No unusual wildlife has ever been observed. The soil composition is primarily soils of the Kenney series, considered to have very high potential for urban uses, with adequate weight bearing capacity and no other major problems. Drainage is excellent.

The surrounding area comprises a residential subdivision of single family detached units to the north and west, and light industrial uses to the south. These areas are older and fully developed, and no additional growth is contemplated. The area to the east is unincorporated and currently is light agricultural use, with an irrigation system part of the Anywhere County Water District.

IV. SIGNIFICANT ENVIRONMENTAL IMPACTS AND ACTIONS TAKEN TO MINIMIZE ADVERSE IMPACTS

Air/Noise - During the construction phase of the project, which is anticipated to last eight months, there will be short-term dust level increments and additional noise associated with building activities. Standard engineering practices will be employed to minimize these impacts such as wetting the area, etc.

For safety precautions, the design of the tower will include a continuous 12-foot high solid wood plank fence around the base of the structure.

The project will produce beneficial effects by significantly upgrading the quality of the community's water supply.

Visual - The water tower, which will be approximately 60 feet in height and visible from surrounding neighborhoods, will change the scenic views from existing residential areas. To minimize this effect, the water tower will be painted a light blue, which is recommended by landscape architects for its relative unobtrusiveness. The site will also be landscaped attractively, screening views of the tower to the maximum feasible extent.

V. ALTERNATIVES

Given the mandated closing of the existing substandard facility by January 1, 20XX, the alternative of no project would mean the absence of water supply to adjacent residential users and the enforced abandonment of those homes.

No project design alternative to the elevated facility appears feasible, given the absence of ground storage sites acceptable from a water quality standard, in terms of ground seepage and contaminant hazards.

No alternative site has been identified of sufficient proximity to the proposed service district to allow for easy delivery.

VI. ENVIRONMENTAL FINDINGS

On the basis of this review:

- ☐ I find that this project **IS NOT** a major Federal action which would significantly affect the quality of the human environment and an Environmental Impact Statement is not required.
- ☐ I find that this project **IS** a major Federal action which would significantly affect the quality of the human environment and an Environmental Impact Statement is required.

Mayor or County Mayor

Date

Statutory Checklist

Area of Statutory - Regulatory Compliance (Precise citations for applicable statutes and regulations are printed on the back of this Checklist.)	Not Applicable to This Project	Consultation Required	Review Required*	Permits Required*	Determination of Consistency Approvals, Permits Obtained	Conditions and/or Mitigation Actions Required	Source or Documentation (Note date of contact or page reference) Additional material may be attached.
Historic Properties							
Floodplain Management							
Wetlands Protection							
Coastal Areas							
Water Quality							
Endangered Species							
Wild and Scenic Rivers							
Air Quality							
Solid Waste Management							
Environmental Standards							
Noise							
Man-made Hazards							
Farmlands Protection							
Environmental Justice							

* Attach evidence that required actions have been taken.

LISTING OF APPLICABLE STATUTES AND REGULATIONS BY AREA OF COMPLIANCE

Historic Properties

National Historic Preservation Act of 1966, Section 106 (16 U.S.C. 470 et seq.), as amended.

Executive Order 11596, Protection and enhancement of the Cultural Environment, May 13, 1971 (3 CFR, 1971-1975 Comp., p. 559)

The Archeological and Historic Preservation Act of 1974 (16 U.S.C. 469 et seq.).

Procedures for the Protection of Historic and Cultural Properties (Advisory Council on Historic Preservation - 36 CFR part 800).

Floodplain Management

Flood Disaster Protection Act of 1973 (42 U.S.C. 4001-4128) and the National Flood Insurance Reform Act of 1994 (Pub. L. 103-325, 108 Stat. 2160).

HUD Procedure for the Implementation of Executive Order 11988 (3 CFR, 1977 Comp., p. 117) - 24 CFR part 55, Floodplain Management.

Wetland Protection

Executive Order 11990, (Protection of Wetlands), (3 CFR, 1977 Comp., p. 121).

Coastal Areas

The Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3501 et seq.).

The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.), as amended.

Water Quality

The Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300 et seq., and 21 U.S.C. 349), as amended. (See 40 CFR part 149.)

The Federal Water Pollution Control Act, as amended by the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1251 et seq.), and later enactments.

Endangered Species

The Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as amended. (See 50 CFR part 402).

Wild and Scenic Rivers

The Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.), as amended.

Air Quality

Coastal Zone Management Act of 1972 as Amended (16 U.S.C. 1451-1464)

Coastal Barrier Resources Act of 1982 (16 U.S.C. 3501 et seq.)

Solid Waste Management

The Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901 et seq.), and later enactments.

The Comprehensive Environmental Resource, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), as amended.

Farmlands Protection

Farmlands Protection Policy Act of 1981 (7 U.S.C. 4201 et seq.), as amended. (See 7 CFR part 658.)

Environmental Standards

Noise

HUD Regulations (24 CFR Part 51, Subpart B)

Man-made Hazards

HUD Regulation (24 CFR Part 51, Subpart C HUD Notice 79-33) Indefinite Notice, September 10, 1979

Environmental Justice

Executive Order 12898 - Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (3 CFR, 1994 Comp., p. 859)

Instructions

- Not Applicable to this Project - Check here, only when it is known that the project is not located in an area where the environmental condition or resource is nonexistent.
- Consultation Required - This requires contact with appropriate individuals at Federal or federally authorized agencies and documentation of that contact through attached notes and correspondence.
- Review Procedures Required - (e.g., 106 procedure of the Advisory Council on Historic Preservation)
- Permits Procedure Required - Attachments should indicate evidence of permits that have to be secured, or required procedures followed.
- Determination of Consistency, Approvals and Permits Obtained - (e.g., consistency with State coastal zone management plan). In areas requiring consistency or where projects required Federal permits, licenses or other forms of approval, such requirements should be recorded here as having been met. Any condition, temporary permit or partial approval is recorded in the next column to a document recorded in the ERR.
- Conditions or Mitigation Actions Required - These should be listed and attached including any correspondence from reviewing agencies and a designation of responsibility for implementation.

Chief Executive Officer (Typed)

Signature

Date

Documentation for the Statutory Checklist (part 58)

of Part A of 4128 (part 50)

Websites and other Information

1. **Historic Preservation:** Documentation must include a copy of the letter submitted to and the response received from the State Historic Preservation Officer (SHPO), and where applicable Tribal Historic Preservation Officer (THPO) (the need to contact the THPO may be determined through consultation with the SHPO). The SHPO for your state or territory may be identified by visiting <http://www.achp.gov/programs.html>. If the SHPO and THPO response indicates that historic properties will not be affected or adversely affected by the project no further action is required. However, if the SHPO or THPO indicates that historic properties will or may be adversely affected by the project then you must consult with SHPO/THPO or the Advisory Council on Historic Preservation to resolve or mitigate adverse effects prior to completing the Environmental Review (ER). See www.achp.gov for more information.

2. **Floodplain Management:** If your project (including auxiliary features such as stormwater treatment facilities, roads driveways, storage facilities, borrow or waste areas, etc.) is not in the 100-year floodplain (a.k.a. Special Flood Hazard Area) or for critical actions (See 24 CFR § 55.2[b][2]) the 500-year floodplain, place a copy of the Flood Insurance Rate Map (FIRM) with the site marked on the map in the Environmental Review Record (ERR). The FIRM Map can be obtained in the City or County Planning Office or by visiting <http://msc.fema.gov/webapp/wcs/stores/servlet/FemaWelcomeView?storeId=10001&catalogId=10001&langId=-1>

If your project is in the 100-year floodplain or for critical actions the 500-year floodplain, HUD (Part 50) the Responsible Entity (Part 58) must complete the eight-step decision making process at 24 CFR§ 55.20 in writing; and publish the public notices required at 25 CFR § 55.20(b) & (g). For more information on the 8-step process consult the HUD regulations at 24 CFR Part 55. For assistance with reading FIRMS or making floodplain determination see www.fema.gov. In addition to the HUD requirements, projects resulting in any development in the 100-year floodplains will also require authorization from the Local Floodplain Administrator prior to beginning construction.

3. **Wetland Management:** If the project involves new ground disturbance (including auxiliary features such as stormwater treatment facilities, roads, driveway, storage facilities, borrow or waste areas, etc.) contact the local U.S. Army Corps of Engineers (USACE) office, or a qualified consultant to determine the presence or absence of wetlands, including non-jurisdictional wetlands. The USACE office for your state, territory or region may be identified by visiting:

Area covered by Memphis District

<http://www.mvm.usace.army.mil/regulatory/information//TN.htm>

Areas covered by Nashville District - <http://www.lrn.usace.army.mil/cof/permits.htm>

If no wetlands are present then document this finding by including USACE determination or the consultant's report which must contain copies of a completed "Data Form: Routine Wetland Determination" for each habitat type on the project site, within the ERR. If your project impacts a wetland HUD (Part 50) or the Responsible Entity (Part 58) must complete the eight-step decision making process at 24 CFR § 55.20 in writing; and publish the public process consult the HUD regulations at 24 CFR Part 55. In addition to the HUD requirements, projects impacting the wetlands may require USACE or State Water Quality program authorization prior to beginning construction. For more information see <http://www.fws.gov/wetlands/>.

4. **Coastal Zone Management:** If the project involves new construction, conversion of land use, major rehabilitation of existing structures (including substantial improvement) or acquisition of undeveloped land, and you are in a Coastal State, determine if the project is located within the State's designated Coastal Zone Management (CZMA). State Coastal Zone Management Areas may be identified by visiting the applicable State Coastal Zone Management Act website which may be found at http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/revi
[ew/coastal](http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/revi). If the project is not located within the State designated CZMA place a copy of the State CZMA within the ERR. If the project is located within the State designated CZMA then the State Federal Consistency agent will have to review the project for consistency with the state coastal management program.
5. **Sole Source Aquifers:** The sole source aquifers located HUD Region IV are in Florida and Mississippi. If you are not in Florida or Mississippi include a copy of the webpage at <http://www.epa.gov/region4/water/groundwater/r4ssa.html>. If you are in Florida or Mississippi see <http://www.epa.gov/region4/water/groundwater/r4ssa.html> to determine if the project is located within the watershed of the designated sole aquifer. If the project is in the watershed of a sole source aquifer you must consult with US Environmental Protection Agency (EPA), Regional Office to resolve or mitigate adverse effects prior to completing the ER. See http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/revi
[ew/aquifers](http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/revi) for more information.
6. **Threatened and Endangered Species:** If the project involves ground disturbance; vegetation removal; filling of ponds, streams, or other waters; or generation of atypical noise levels, contact the US Fish and Wildlife Service (USFWS) or a qualified consultant to determine if the project may affect any threatened species. The USFWS office for your state or territory may be identified by visiting <http://www.fws.gov/cookeville/>. If the project will have no effect on any threatened or endangered species, document this finding by including a record of the USFWS consultation, or the consultant's report, which must contain a biological evaluation within the ERR. If the project may affect any threatened or endangered species, directly or indirectly, then you must enter consultation with the USFWS to determine the potential effects. If the project's effects to threatened or endangered species are not likely to be adverse then document completion of informal

consultation by including the USFWS letter indicating concurrence with this finding in the ERR. If the project's effects to threatened or endangered species are likely to be adverse then you must complete formal consultation with the USFWS to resolve or mitigate adverse effects prior to completing the ER. See http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/endangeredspecies for more information.

7. **Wild and Scenic Rivers:** See <http://www.rivers.gov/wildriverslist.html> to determine if your project could affect a Wild and Scenic River (WSR). If the project could not affect a WSR include the WSR list for your state or territory in the ERR. If the project may affect a WSR, consult with the agency responsible for managing the WSR to resolve or mitigate possible adverse effects. The responsible managing agency for each WSR is provided with each WSR description.

USFWS REGIONAL CONTACT Jeffrey R. Duncan, Ph.D. Southeast Regional Fishery Ecologist Wild and Scenic Rivers Coordinator National Park Service 535 Chestnut St., Suite 207 Chattanooga, TN 37402 Ph. (423) 987-6127 Fax (888) 854-2849 Email: Jeff_Duncan@nps.gov	TENNESSEE - OBED RIVER National Park Service Obed Wild and Scenic River P.O. Box 429 Wartburg, TN 37887 Ph. (423) 346-6294
--	--

8. **Clean Air Act:** See <http://www.epa.gov/region4/air/sips/> to determine if your community is within a non-attainment area. HUD, in accordance with 40 CFR § 93.153(c)(2), has found that following activities are exempt from determination of conformity requirements: 1.) construction of a roadway resulting in an expected increase in traffic volume of less than 20,000 AADT; 2.) modification of an existing roadway resulting in an expected increase in traffic volume of less than 10,000 AADT; 3.) in non-attainment areas, construction of 1,000 new parking spaces or addition of 500 parking spaces to an existing facility; and 4.) in attainment areas, construction of 2,000 new parking spaces or addition of 1,000 parking spaces to an existing facility. If the project will not produce traffic or parking volumes exceeding the criteria for exemption, and result installation of stationary air emitters that require permits under state or territory law (e.g., large generators capable of supporting industrial or medical facilities) place a statement indicating such within the ERR. If the project will produce traffic or parking volumes exceeding the criteria for exemption, or result in the installation of stationary emitters that requires permits under state or territory law, the State Air Quality program will have to review the project for conformity with the State Implementation Plan (SIP). The State Air Quality program division or office in your state responsible for evaluating projects for conformity with the SIP is:

Tennessee Department of Conservation and Environment
 Tennessee Air Pollution Control
 Mr. Billy Pugh
 L & C Annex, 9th Floor

Nashville, TN 37246-1531
615.532.0528

Lead base paint (29 CFR § 1926.1025) and asbestos (29 CFR § 1926.1001) removal must be completed by licensed removal specialist. Furthermore, the EPA must be notified if asbestos will be disturbed or removed.

9. **Farmland Protection:** If the project does not result in new construction the Farmland Protection Policy Act (FPPA) does not apply.
http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/farmlands. For projects that result in new construction the FPPA does not apply if the project site is located within: a.) an "urbanized area" on the US Census Bureau Map. See http://factfinder.census.gov/servlet/ReferenceMapFramesetServlet?_lang=en; b.) an urban area on the USGS topographical map (as indicated by a "tint overprint"); c.) an area for which the decision to change the project site land use to a non-agricultural use has already been made as a result of local zoning (Chief Pearlie Reed, NRCS This Week, July 17, 1998). If the project involves construction on vacant land not located in one of the aforementioned areas, you must contact the local Natural Resource Conservation service for assistance in determining if the project will affect important farmland. See <http://offices.sc.egov.usda.gov/locator/app> to locate the local NRCD office. See <http://www.nrcs.usda.gov/wps/portal/nrcs/home> for more information.

TENNESSEE CONTACT

Pam Thomas
State Soil Scientist
USDA-NRCS
1835 Assembly Street, Room 950
Columbia, SC 29201
Office: (803) 253-3896
Cell: (803) 767-7496
Email: Thomas, Pam - Columbia, SC [pam.thomas@sc.usda.gov]

10. **Thermal and Explosive Hazards:** This refers to above ground storage tanks of more than 100 gallons storing explosive and flammable liquids. If there are no above ground storage tanks located within 1-mile of the project site, document the findings by including site visit notes, emergency agency correspondence, and copies of maps of aerial photographs reviewed within the ERR. If there are any above ground storage tanks within 1-mile of the project site, call HUD for further guidance or conduct analyses using the handbook *Siting of HUD-Assisted Projects Near Hazardous Facilities*.
http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/explosive.

TENNESSEE: <http://tn.gov/environment/swm/>

For new construction you must REJECT the site if it falls within the acceptable separation distance of any thermal or explosive hazards. For more information see 24 CFR Part 51 Subpart C.

11. **Noise:** This refers to sources of noise that may affect the project. If the project is not located within 1,000 feet of any major highways (Highways such as Interstates, US Highways, State Routes and 4 lane curb-and-gutter roads that typically have Average Annual Daily Traffic volumes $\geq 10,000$) 3,000 feet of any railroads or 15 miles of major civilian or military airports document that the project will not be adversely affected by any of these sources by placing a map with the site marked on the map in the ERR. If any of the aforementioned conditions exist, a noise study must be conducted in accordance with *The Noise Guidebook* available at http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/training/guidebooks/noise. If as a result of the noise assessment the project will result in new construction with placement of noise sensitive uses, both interior and exterior, in areas with Normally Unacceptable noise levels (> 65 -75 DNL) modify the project to resolve or mitigate the Normally Unacceptable noise levels, or reject the project site. If as a result of the noise assessment the project will result in new construction with placement of noise sensitive uses, both interior and exterior, in areas with Unacceptable noise levels (> 75 DNL) complete an Environmental Impact Statement (EIS), unless the EIS requirement is waived pursuant to 24 CFR § 51.104(b)(2), or reject the project site. For rehabilitation activities involving noise sensitive facilities exposed to Normally Unacceptable or Unacceptable, HUD encourages incorporation of noise attenuation measures given the extent and nature of the rehabilitation being undertaken and the level of exterior noise exposure. For more information see 24 CFR Part 51 Subpart B.
12. **Clearzones:** If the project is not located within the Runway Clearzone (civil and military airports) or Accident Potential Zone (military airports), document this finding by including within the ERR a map showing the absence of civil airport within 3,000 feet of the project and military airfields within 2.5 miles from the end of a runway at a military airfield, or documentation from the civil or military airport operator indicating that the project is not located within the Runway Clearzone of Accident Potential Zone. If the project involves construction or structural improvements and the site is within a Runway Clearzone or Accident Potential Zone the site must be REJECTED unless the project meets the conditions outlined in 24 CFR § 51.303. For more information see 24 CFR Part 51 Subpart D.
http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/revi%20ew/qa/airport

REGIONAL CONTACT

FAA Regional 7 POC Environment and Planning Department
Jim Castlebury
P.O. Box 20636
Atlanta, GA 30320
Ph. 404-305-6700

13. **Toxics:** For single-family (four or less units) projects, to determine if there are any federally recorded contaminated sites on or near the project see <http://www.epa.gov/enviro/facts/multisystem.html>. It is also recommended that you contact the state environmental agency to determine if there are state recorded contaminated sites on or near the project site. You should also observe the site and note the presence or

absence of potential contamination indicators such as chemical odors, unidentified pipes, soil or pavement staining, distressed vegetation, unidentified barrels or containers and evidence of frequent automobile or equipment repair activities. If potential contaminants are identified based on these reviews, a qualified environmental professional must be hired to complete a site investigation to assess for contamination. For commercial, industrial and multi-family (five or more units) housing projects, included lease, purchase or rehabilitation activities, a qualified professional must be hired to complete a Phase I Environmental Site Assessment (Phase I) in accordance with ASTM Standard E-1527-05.

If no potential contaminants or Recognized Environmental Concerns (RECs) are identified, place the documentation to support his finding in the ERR. If potential contaminants or RECs are identified further assessment including completion of additional records reviews of sampling may be needed to determine if contaminants are actually present on the property. If contaminants are present at harmful levels, then the institutional/engineering controls, when allowed by HUD program, are implemented to prevent site users from coming into contact with the contaminants.

- 14. Environmental Justice:** Determine if the project will be affected by environmental conditions (i.e., toxic pollutants, hazardous industrial operations, landfills or dumps, foul odor producing operations, explosive or flammable operations, or high automobile or train traffic hazards) that may have a disproportional effect on low income or minority populations. If you do not have environmental conditions that may have disproportional effects on low income or minority populations, you do not have an environmental justice impact. If you have environmental conditions that may have disproportionate effects on low income or minority populations, go to <http://www.epa.gov/compliance/environmentaljustice/assessment.html> to perform an environmental justice query for the area of concern. If the query indicates a potential environmental justice impact, reject the site or provide evidence to indicate mitigation of the hazard(s). See <http://www.epa.gov/compliance/environmentaljustice/index.html> for more information.

REGIONAL CONTACT

US EPA, Region 4

Cynthia Peurifoy

61 Forsyth Street

Atlanta, GA 30303

Office 404-562-9649

Fax 404-562-9664

Email: peurifoy.cynthia@epa.gov

- 15. Flood Insurance:** If your project is not in the Special Flood Hazard Area (SFHA), place a copy of the FIRM with the site marked on the map in the ERR. If your project is in the SFHA, all structures (walled and roofed buildings or manufactured homes) located in the SFHA must be insured under the National Floodplain Insurance Program and proof of insurance must be included in the ERR. For more information see <http://www.fema.gov/business/nfip/>.

16. **Coastal Barrier Resources:** If your project is not in a Coastal Barrier Resource System (CBRS) area, place a copy of the FIRM with site marked on the map in the ERR. If your project is in a CBRS area, development is generally not allowed with federal funds. See http://www.fws.gov/habitatconservation/coastal_barrier.html for more information.
17. **Clearzone Notification:** If the project is located within the Runway Clearzone or Clearzone and it satisfies the conditions outlined in CFR 24 § 51.303 for HUD assistance, the property owner shall be advised that the property is in a Runway Clearzone or Clearzone and what the implications of such a location are. For more information see 24 CFR Part 51 Subpart D.
18. **Water Quality:** In accordance with Section 404 of the Clean Water Act (CWA), if your project will cause the loss of any jurisdictional wetlands, streams (including modified streams and wet weather channels), or open waters, USACE authorization may be required prior to beginning project construction. Prior Authorization requirements are contingent upon the project type and the authorizing permit. In accordance with Section 401 of the Clean Water Act, State Water Quality program authorization may also be required prior to beginning project construction. The USACE office for your state or region may be identified by visiting:

Area covered by Memphis District

<http://www.mvm.usace.army.mil/regulatory/information//TN.htm>

Areas covered by Nashville District - <http://www.lrn.usace.army.mil/cof/permits.htm>

The State Water Quality program division or office in your state that is responsible for approving activities under Section 401 of the CWA may be found by visiting <http://www.cicacenter.org/swift.html>. Under the CWA, wetlands are identified in accordance with the *1987 USACE Wetland Delineation Manual*, which may be found at <http://www.wetlands.com/regs/tlpge02e.htm>.

In accordance with Section 402 of the CWA, all construction activities that disturb one or more acres of land must be covered under a permit to discharge stormwater. If your project will disturb one or more acres and it is not occurring on a tribal land you must contact the local State Water Quality program and obtain a stormwater discharge permit prior to beginning construction. The State Water Quality program division or office in your state that is responsible for administering Section 402 of the CWA may be found by visiting <http://www.cicacenter.org/swrlnew.cfm>. If your project will disturb one or more acres and it is occurring on tribal land in the HUD Region IV state of Alabama, Florida, Mississippi, or North Carolina you must contact EPA and obtain a stormwater discharge permit prior to beginning construction. For information on projects occurring on tribal lands in HUD Region IV states listed above see <http://cfpub2.epa.gov/npdes/stormwater/authorizationstatus.cfm>.

19. **Solid Waste:** Will the project generate hazardous waste? If yes, contact the State Environmental Division or Office to determine proper tracking and disposal methods. Pursuant to 40 CFR § 261.4(b)(1) household waste is not considered a regulated

hazardous waste under the resource Conservation Recovery Act. See <http://www.cicacenter.org/hazwaste.html> or <http://www.epa.gov/osw/> for more information.

20. **Fish and Wildlife:** If the project will not result in impounding, diverting, deepening, channelizing or modification of a stream or other body of water, no further action is required regarding compliance with the Fish and Wildlife Coordination Act. If the project will result in impounding, diverting, depending, channelizing or modification of a stream or other body of water consult with the USFWS and State Wildlife Agency to determine what affect the project may have on wildlife resources and if applicable, resolve or mitigate adverse effects.

Sample Statutory Checklist

Area of Statutory - Regulatory Compliance (Precise citations for applicable statutes and regulations are printed on the back of this Checklist.)	Not Applicable to This Project	Consultation Required	Review Required*	Permits Required*	Determination of Consistency Approvals, Permits Obtained	Conditions and/or Mitigation Actions Required	Source or Documentation (Note date of contact or page reference) Additional material may be attached.
Historic Properties		X					See attached letter from State Historic Preservation Office, dated July 19, 1997.
Floodplain Management	X						FEMA Flood Insurance Rate Map, Panel N. 470040-0169, June 15, 1982.
Wetlands Protection	X						Project not located in, or impacts the wetland, per U.S. Army Corp. of Engineers, S. Pickett (July 27, 2000). See attached letter.
Coastal Areas	X						No impact areas.
Water Quality	X						Per engineer, M. Hamilton, project will have no effect on water quality. July 19, 2000.
Endangered Species	X						No endangered species listed in project area, per U.S. Fish & Wildlife Service, B. Friedan (July 20, 2000) See attached letter.
Wild and Scenic Rivers	X						No Wild or Scenic Rivers listed, per review of Nationwide Rivers Inventory, dated January 1982.
Air Quality	X						There are no major sources of air pollution near project area, per Environment & Conservation, S. Jackson (July 19). See attached letter.
Solid Waste Management	X						Per engineer, M. Hamilton, project will have no effect on solid waste management. (July 19, 2000.)
Environmental Standards Noise	X						Project is not located near major highway, railroad or airport. Field observation. (July 19, 2000.)
Manmade Hazards	X						There are no known sources of chemical, radioactive, flammable or explosive hazards near project area. R. Derby, Fire Dept. (July 19, 2000.)
Farmlands Protection	X						No prime or unique farmlands will be affected, per County Soil Conservation Service, D. Fairmer, (July 19, 2000.)
Environmental Justice	X						No adverse human health or environmental effects on minority and low-income populations in the project area, per Mayor Walton (July 20, 2000).

* Attach evidence that required actions have been taken.

LISTING OF APPLICABLE STATUTES AND REGULATIONS BY AREA OF COMPLIANCE

Historic Properties

National Historic Preservation Act of 1966, Section 106 (16 U.S.C. 470 et seq.), as amended.

Executive Order 11596, Protection and enhancement of the Cultural Environment, May 13, 1971 (3 CFR, 1971-1975 Comp., p. 559)

The Archeological and Historic Preservation Act of 1974 (16 U.S.C. 469 et seq.).

Procedures for the Protection of Historic and Cultural Properties (Advisory Council on Historic Preservation - 36 CFR part 800).

Floodplain Management

Flood Disaster Protection Act of 1973 (42 U.S.C. 4001-4128) and the National Flood Insurance Reform Act of 1994 (Pub. L. 103-325, 108 Stat. 2160).

HUD Procedure for the Implementation of Executive Order 11988 (3 CFR, 1977 Comp., p. 117) - 24 CFR part 55, Floodplain Management.

Wetland Protection

Executive Order 11990, (Protection of Wetlands), (3 CFR, 1977 Comp., p. 121).

Coastal Areas

The Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3501 et seq.).

The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.), as amended.

Water Quality

The Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300 et seq., and 21 U.S.C. 349), as amended. (See 40 CFR part 149.)

The Federal Water Pollution Control Act, as amended by the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1251 et seq.), and later enactments.

Endangered Species

The Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as amended. (See 50 CFR part 402).

Wild and Scenic Rivers

The Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.), as amended.

Air Quality

Coastal Zone Management Act of 1972 as Amended (16 U.S.C. 1451-1464)

Coastal Barrier Resources Act of 1982 (16 U.S.C. 3501 et seq.)

Solid Waste Management

The Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901 et seq.), and later enactments.

The Comprehensive Environmental Resource, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), as amended.

Farmlands Protection

Farmlands Protection Policy Act of 1981 (7 U.S.C. 4201 et seq.), as amended. (See 7 CFR part 658.)

Environmental Standards

Noise

HUD Regulations (24 CFR Part 51, Subpart B)

Man-made Hazards

HUD Regulation (24 CFR Part 51, Subpart C HUD Notice 79-33) Indefinite Notice, September 10, 1979

Environmental Justice

Executive Order 12898 - Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (3 CFR, 1994 Comp., p. 859).

Instructions

- Not Applicable to this Project - Check here, only when it is known that the project is not located in an area where the environmental condition or resource is nonexistent.
- Consultation Required - This requires contact with appropriate individuals at Federal or federally authorized agencies and documentation of that contact through attached notes and correspondence.
- Review Procedures Required - (e.g., 106 procedure of the Advisory Council on Historic Preservation)
- Permits Procedure Required - Attachments should indicate evidence of permits that have to be secured, or required procedures followed.

- Determination of Consistency, Approvals and Permits Obtained - (e.g., consistency with State coastal zone management plan). In areas requiring consistency or where projects required Federal permits, licenses or other forms of approval, such requirements should be recorded here as having been met. Any condition, temporary permit or partial approval is recorded in the next column to a document recorded in the ERR.
- Conditions or Mitigation Actions Required - These should be listed and attached including any correspondence from reviewing agencies and a designation of responsibility for implementation.

Chief Executive Officer (Typed)

Signature

Date

NEPA ENVIRONMENTAL ASSESSMENT CHECKLIST
--

[Environmental Review Guide HUD CPD 782, 24 CFR 58.40; Ref 40 CFR 1508.8 and 15087.27]

Evaluate the significance of the effects of the proposal on the character, features and resources of the project area. Enter relevant base data and verifiable source documentation to support the finding. Then enter the appropriate impact code from the following list to make a determination of impact. **IMPACT CODES:** (1) - No impact anticipated; (2) - Potentially beneficial; (3) - Potentially adverse; (4) - Requires mitigation; (5) - Requires project modification. Note names, dates of contacts, telephone numbers and page references. Attach additional material as appropriate. Note conditions or mitigation measures required.

Land Development	Code	Source of Documentation
Conformance with Comprehensive Plans and Zoning		
Compatibility and Urban Impact		
Slope		
Erosion		
Soil Suitability		
Hazards and Nuisances including Site Safety		
Energy Consumption		

Noise - Contribution to Community Noise Levels		
Air Quality - Effects of ambient Air Quality on Project and Contribution to Community Pollution Levels		
Environmental Design - Visual Quality - Coherence, Diversity, Compatible Use and Scale		

Socioeconomic	Code	Source or Documentation
Demographic Character and Changes		
Displacement		
Employment and income Patterns		

Community Facilities and Services	Code	Source or Documentation
Educational Facilities		
Commercial Facilities		
Health Care		
Social Services		
Solid Waste		
Waste Water		
Storm Water		
Water Supply		
Public Safety - Police		
- Fire		
- Emergency Medical		
Open Space and Recreation - Open Space		
- Recreation		
- Cultural Facilities		
Transportation		

Natural Features	Code	Source or Documentation
Water Resources		
Surface Water		
Unique Natural Features and Agricultural Lands		
Vegetation and Wildlife		

Other Factors	Code	Source or Documentation
Flood Disaster Protection Act [Flood Insurance] [§58.6(a)]		
Coastal Barrier Resources Act/Coastal Barrier Improvement Act [§58.6(c)]		
Airport Runway Clear Zone or Clear Zone Disclosure [§58.6(d)]		
Other Factors		

Summary of Findings and Conclusions

ALTERNATIVES TO THE PROPOSED ACTION

Alternatives and Project Modifications Considered [24 CFR 58.40(e), Rev. 40 CFR 1508.9]

(Identify other reasonable courses of action that were considered and not selected, such as other sites, design modifications, or other uses of the subject site. Describe the benefits and adverse impacts to the human environment of each alternative and the reasons for rejecting it.)

No Action Alternative [24 CFR 58.40(e)]

(Discuss the benefits and adverse impacts to the human environment of not implementing the preferred alternative.)

Mitigation Measures Recommended [24 CFR 58.40(d), 40 CFR 1508.20]

(Recommended feasible ways in which the proposal or its external factors should be modified in order to minimize adverse environmental impacts and restore or enhance environmental quality.)

Additional Studies Performed

(Attach studies or summaries)

List Sources, Agencies and Persons Consulted [40 CFR 1508.9)b)]

SAMPLE FLOODPLAINS AND WETLANDS NOTICE

EARLY PUBLIC NOTICE

The City of Anytown, Tennessee is considering Fifth Street improvements from Avenue D to Avenue J as a Small Cities CDBG project. The project is located in the 100-year floodplain. Fifth Street is the City's primary commercial area and it is experiencing deterioration. To repair existing damage to the roadway and to improve subsurface drainage, it is necessary to carry out this project in the floodplain. The City is interested in discussing alternatives to this project and securing public perceptions of possible adverse impacts that could result from the project and possible minimization measures. Please send written comments to Mayor Jane Q. Public, City Hall, Room 100, Anytown, Tennessee. Comments will be received until (Date) .

Jane Q. Public
Mayor

SAMPLE NOTICE OF EXPLANATION

_____ (*GRANTEE*) intends to undertake improvements to Fifth Street from Avenue D to Avenue J. These improvements are needed to improve surface conditions, hook into the West Side Storm Drainage outfall and provide better street lighting. This project is located in the 100 year floodplain. Proposed improvements to Fifth Street cannot be undertaken in any other location. There is, therefore, no practical alternative to the proposed project. *(If there are alternatives, you must discuss them here.)*

The proposed improvements to the existing street conform to all applicable State floodplain protection standards. Improvements to Fifth Street's Storm sewer capacity and hook-up to the new West Side drainage outfall are part of the City's long-range floodplain management plan. *(If minimization measures are required, they must be discussed here.)* The proposed action will not affect natural or beneficial floodplain values as it represents an improvement of an existing roadway.

Failure to provide these improvements would result in the continued deterioration of the City's primary commercial district.

The other agency involved in this project is the State of Tennessee with funds from the U.S. Department of Housing and Urban Development. *(List all agencies providing funding and/or approvals and permits.)*

CONCURRENT NOTICE

**NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND
NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS**

_____ ¹
Date

(Name of Grantee)

(Street, City, Zip Code)

(Telephone Number)

These notices shall satisfy two separate but related procedural requirements for activities to be undertaken by the _____.
(Name of grantee)

REQUEST FOR RELEASE OF FUNDS

On or about _____ ², the _____
(grantee)

will submit a request to the Department of Economic and Community Development for the release of Title I of the Housing and Community Development Act of 1974, as amended, to undertake a project known as _____,
(project title)

for the purpose of _____,
(nature/scope of project)

_____, and _____
(estimated funding) (project location)

_____.

¹ Date of Notice

² The day following the 15-day comment period (i.e., 16 days from date of publication)

FINDING OF NO SIGNIFICANT IMPACT

The _____ has determined that the project will have no
(grantee)
significant impact on the human environment. Therefore, an Environmental Impact Statement
under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project
information is contained in the Environmental Review Record (ERR) on file at

(address where ERR can be examined)

and may be examined or copied weekdays. _____ a.m. to _____ p.m.

PUBLIC COMMENTS

Any individual, group, or agency disagreeing with this determination or wishing to comment on
the project may submit written comments to the _____
_____. All comments
(office responsible for receiving and responding to comments)

received by _____³ will be considered by the _____
(grantee)

prior to authorizing submission of a request for release of funds. Comments should specify
which Notice they are addressing.

RELEASE OF FUNDS

The _____ certifies to the Tennessee Department
(grantee)
of Economic and Community Development that _____

(mayor or county mayor's name)
In his/her capacity as _____ consents to accept the
(mayor or county mayor)

jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to
the environmental review process and that these responsibilities have been satisfied. The
Tennessee Department of Economic and Community Development (ECD) approval of the
certification satisfies its responsibilities under NEPA and related laws and authorities.

³ 15 days following the date of publication (i.e., 16 days)

OBJECTIONS TO RELEASE OF FUNDS

The Tennessee Department of Economic and Community Development will accept objections to its release of funds and the _____ certification for a period of
(grantee)

fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following basis:

- (a) The certification was not executed by the Certifying Officer of the _____;
(grantee)
- (b) The _____ has omitted a step or failed to
(grantee)
make a decision or finding required by HUD regulations at 24 CFR Part 58;
- (c) The grant recipient has committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by the Tennessee Department of Economic and Community Development; or
- (d) Another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality.

Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and shall be addressed to the **State of Tennessee, Department of Economic and Community Development, Policy and Federal Programs, William R. Snodgrass Tennessee Tower, 10th Floor, 312 Rosa L. Parks Avenue, Nashville, Tennessee 37243-1102**. Potential objectors should contact the Policy and Federal Programs Office to verify the actual last day of the objection period.

(Name of Certifying Officer)

(Title of Certifying Officer)

DISTRIBUTION LIST

Tennessee Historical Commission
2941 Lebanon Road
Nashville, Tennessee 37243-0442

Heinz Mueller, Chief
Environmental Policy Section
U.S. EPA Region IV
Atlanta Federal Center, 61 Forsyth Street, S.W.
Atlanta, Georgia 30303

Director, Federal Agency Liaison Division
Office of Federal Activities (A-104)
Environmental Protection Agency
Washington, D.C. 20460

State of Tennessee
Department of Transportation
Suite 600, James K. Polk Building
Nashville, Tennessee 37243-0341

William L. James
Chief, Eastern Section
Regulatory Branch
U.S. Army Corps of Engineers
3701 Bell Road
Nashville, Tennessee 37214-2660
(floodplain projects only)

William Straw
Dept. of Homeland Security
FEMA Regional Environmental Office
3003 Chamblee Tucker Road
Atlanta, Georgia 30341-4112
(floodplain projects only)

All Required Tribal Consultations

Local Development District

Request for Release of Funds and Certification

U.S. Department of Housing
and Urban Development
Office of Community Planning
and Development

OMB No. 2506-0087
(exp. 11/30/2004)

This form is to be used by Responsible Entities and Recipients (as defined in 24 CFR 58.2) when requesting the release of funds, and requesting the authority to use such funds, for HUD programs identified by statutes that provide for the assumption of the environmental review responsibility by units of general local government and States. Public reporting burden for this collection of information is estimated to average 36 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

Part 1. Program Description and Request for Release of Funds (to be completed by Responsible Entity)

1. Program Title(s)	2. HUD/State Identification Number	3. Recipient Identification Number (optional)
4. OMB Catalog Number(s)	5. Name and address of responsible entity	
6. For information about this request, contact (name & phone number)		
8. HUD or State Agency and office unit to receive request	7. Name and address of recipient (if different than responsible entity)	

The recipient(s) of assistance under the program(s) listed above requests the release of funds and removal of environmental grant conditions governing the use of the assistance for the following

9. Program Activity(ies)/Project Name(s)	10. Location (Street address, city, county, State)
11. Program Activity/Project Description	

Part 2. Environmental Certification (to be completed by responsible entity)

With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the responsible entity, certify that:

1. The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.
2. The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local laws.
3. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposal ☐ did ☐ did not require the preparation and dissemination of an environmental impact statement.
4. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure.
5. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.
6. In accordance with 24 CFR 58.71(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.

As the duly designated certifying official of the responsible entity, I also certify that:

7. I am authorized to and do consent to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.
8. I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.

Signature of Certifying Officer of the Responsible Entity X	Title of Certifying Officer
	Date Signed

Address of Certifying Officer

Part 3. To be completed when the Recipient is not the Responsible Entity

The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).

Signature of Authorized Officer of the Recipient X	Title of Authorized Officer
	Date Signed

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

FINDING OF CATEGORICAL EXCLUSION
I. GENERAL INFORMATION

- A. Project name
- B. Project location
- C. Project type
- D. Cost (source and amounts)
- E. Administrative agency
- F. Applicant and contact person

II. DESCRIPTION

- A. Project description
- B. Project purpose (problem/need)
- C. Map(s)

III. STATEMENT OF CATEGORICAL EXCLUSION

The (Grantee) has found the above project to be categorically excluded from the environmental review required by the National Environmental Policy Act (NEPA).

The project consists solely of activities that the Department of Housing and Urban Development has determined to be categorically excluded from NEPA requirements in applicable regulations (24 CFR 58). All activities in this project meet one of the set of conditions established in Section 58.35 (copy attached) referenced below: (Check only one)

- | | |
|---|--------------------------------------|
| <input type="checkbox"/> 58.35(a)(1) | <input type="checkbox"/> 58.35(b)(1) |
| <input type="checkbox"/> 58.35(a)(2) | <input type="checkbox"/> 58.35(b)(2) |
| <input type="checkbox"/> 58.35(a)(3) | <input type="checkbox"/> 58.35(b)(3) |
| <input type="checkbox"/> 58.35(a)(3)(i)(A) | <input type="checkbox"/> 58.35(b)(4) |
| <input type="checkbox"/> 58.35(a)(3)(i)(B) | <input type="checkbox"/> 58.35(b)(5) |
| <input type="checkbox"/> 58.35(a)(3)(i)(C) | <input type="checkbox"/> 58.35(b)(6) |
| <input type="checkbox"/> 58.35(a)(3)(ii)(A) | |
| <input type="checkbox"/> 58.35(a)(3)(ii)(B) | |
| <input type="checkbox"/> 58.35(a)(4) | |
| <input type="checkbox"/> 58.35(a)(5) | |
| <input type="checkbox"/> 58.35(a)(6) | |

In accordance with 58.35, evidence that the environmental requirements of the laws and authorities cited at 24 CFR 58.5 is filed elsewhere in the Environmental Review Record for this project.

 Signature of Chief Executive Officer

 Date

Suggested Format for Categorically Excluded Projects subject to §58.5
--

PROJECT NAME AND DESCRIPTION (Include all contemplated activities which are either geographically and/or functionally part of the project.):

LOCATION: This project is determined to be Categorically Excluded according to: [cite appropriate section(s) of the regulation]

Directions - Once the review process for each compliance factor has been completed, the Statutory Checklist must then be filled out. Specifically, the RE must indicate whether the activity does or does not affect the resources under construction. Consult the guidance provided in the table below or the web sites.

Indicate **Status "A"** on the worksheet if the project does not require formal consultation with an outside agency and does not affect the resource in question. Document the determination made and the sources of information that were used - - information sources are provided in the guidance.

If the activity triggers formal compliance consultation with the oversight agency or affects the resource, indicate **Status "B"**. Any compliance documentation should also be attached to the checklist and included in the ERR.

COMPLIANCE FACTORS:

Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5	Status A/B	Compliance Documentation
--	------------	--------------------------

Historic Preservation [36 CFR Part 800]		
--	--	--

Guidance:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/historic

Floodplain Management [Executive Order 11988: 24 CFR Part 55]		
--	--	--

Guidance:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/floodplain

Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5	Status A/B	Compliance Documentation
---	-------------------	---------------------------------

Wetland Protection [Executive Order 11990; 3 CFR §§ 2, 5]		
---	--	--

Guidance: <http://www.fws.gov/wetlands/>

Coastal Zone Management Act [16 U.S.C. 1451, §§ 307(c), (d)]		
--	--	--

Guidance:
http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/coastal

Sole Source Aquifers [40 CFR Part 149]		
--	--	--

Guidance:
http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/aquifers

Endangered Species Act [50 CFR Part 402]		
--	--	--

Guidance:
http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/endangeredspecies

Wild and Scenic Rivers Act [16 U.S.C. 1271, §§ 7(b), (c)]		
---	--	--

Guidance:
http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/rivers

Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5	Status A/B	Compliance Documentation
--	---------------	--------------------------

Clean Air Act [40 CFR Parts 6, 51, 93]		
---	--	--

Guidance:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/cleanair

Farmland Protection Policy Act [7 CFR Part 658]		
--	--	--

Guidance:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/farmlands

Environmental Justice [Executive Order 12898]		
--	--	--

Guidance:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/justice

Noise Abatement and Control [24 CFR Part 51 Subpart B]		
---	--	--

Guidance:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/noise

Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5	Status A/B	Compliance Documentation
--	------------	--------------------------

Explosive and Flammable Operations [24 CFR Part 51 Subpart C]		
--	--	--

Guidance:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/explosive

Toxic Chemicals and Radioactive Materials [24 CFR Part 58, § 5(i)(2)]		
--	--	--

Guidance:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/hazardous

Airport Clear Zones and Accident Potential Zones [24 CFR Part 51 Subpart D]		
--	--	--

Guidance:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/airport

DETERMINATION:

☐ This project converts to Exempt, per § 58.34(a)(12), because it does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license (Status "A" has been determined in the status column for all authorities.) Funds may be drawn down for this (now) EXEMPT project;

OR

☐ This project cannot convert to Exempt because one or more statutes/authorities require consultation or mitigation., Complete consultation/mitigation requirements, publish NOI/RROF and obtain Authority to Use Grant Funds (HUD 7015.16) per §§ 58.370 and 58.71 before drawing down funds;

OR

☐ This unusual circumstances of this project may result in a significant environmental impact. This project requires preparation of an Environmental Assessment (EA). Prepare the EA according to 24 CFR Part 58 Subpart E.

PREPARER SIGNATURE:

DATE:

NOTICE OF INTENT TO REQUEST A RELEASE OF FUNDS

Date of Notice

(Name of Grantee)

(Street, City, Zip Code)

(Telephone Number)

On or about _____⁴ the _____
(grantee)

will submit a request to the Tennessee Department of Economic and Community Development for the release of Block Grant funds under Title I of the Housing and Community Development Act of 1974, as amended, to undertake a project known as _____, for the
(project title)

purpose of _____,
nature/scope of project

_____, and _____
(estimated funding) (project location).

The activities proposed _____
(Alternative #1: are categorically excluded under HUD regulations at 24 CFR Part 58 from National Environmental Policy Act requirements or
Alternative #2: comprise a project for which a Finding of No Significant Impact on the environmental)

was published on _____. An Environmental Review Record
date of finding publication

(ERR) that documents the environmental determinations for this project is on file at _____ for review and may be examined or

(name and address where ERR can be examined)
copied weekdays _____ a.m. to _____ p.m.

⁴ The day following the 7-day comment period (i.e., 8 days from the date of publication)

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the _____
(office responsible for receiving and responding to comments)

_____ ⁵ will be considered by the _____ prior to
(grantee)
authorizing submission of a request for release of funds.

RELEASE OF FUNDS

The _____ certifies to the Tennessee Department of Economic and
(grantee)

Community that _____ in his/her capacity as _____
(name of certifying officer) (title)

consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. The Department of Economic and Community Development's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities, and allow the _____ to use Program funds.
(Grantee)

OBJECTIONS TO RELEASE OF FUNDS

The Tennessee Department of Economic and Community Development will accept objections to its release of funds and the _____'s certifications for a period of fifteen days following
(Grantee)

the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the _____; (b) the _____ has omitted a step or failed to
(grantee) (grantee)

make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the grant recipient has committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by the Department of Economic and Community Development; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and shall be addressed to Department of Economic and Community Development, Policy and Federal Programs, 10th Floor, William R.

⁵ (same as 1)

Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, Nashville, Tennessee 37243-1102.
Potential objectors should contact the Policy and Federal Programs Office to verify the actual last day
of the objection period.

—

(name)

(title of certifying officer)

**PUBLIC COMMENT PERIOD FOR
A CATEGORICALLY EXCLUDED PROJECT
IN A FLOODPLAIN**

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Publish Early Public Notice	Start counting 15-day comment period 1	2	3	4	5	6
7	8	9	10	11	12	13
14	Last day for applicant to receive comments 15	Publish NOI/RROF and Notice of Explanation	Start counting 7-day comment period 1	2	3	4
5	6	Last day for applicant to receive comments 7	Request RROF and submit ERR to ECD	Start counting 15-day comment period 1	2	3
4	5	6	7	8	9	10
11	12	13	14	Last day for ECD to receive comments 15	LOREC	

**PUBLIC COMMENT PERIOD FOR
A CATEGORICALLY EXCLUDED PROJECT
*NOT IN A FLOODPLAIN***

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	Publish NOI/RROF	Start counting 7-day comment period 1	2	3	4	5
6	Last day for applicant to receive comments 7	Request Release of Funds and submit ERR to ECD	Start counting 15-day comment period 1	2	3	4
5	6	7	8	9	10	11
12	13	14	Last day for ECD to receive comments 15	LOREC		

OUTLINE FOR FINDING OF EXEMPTION

OR

CENST STATUS NARRATIVE

I. GENERAL INFORMATION

- A. Project Name
- B. Project Location
- C. Project Type
- D. cost (source and amounts)
- E. Administrative Agency
- F. Applicant and Contact Person

II. DESCRIPTION

- A. Project Description
- B. Project Purpose (problem/need)
- C. Map(s)

III. STATEMENT OF EXEMPT OR CENST STATUS

The (GRANTEE) has found the above project to be EXEMPT/CATEGORICALLY EXCLUDED NOT SUBJECT TO 58.5, and thus does not need the environmental review required by the National Environmental Policy Act (NEPA).

The project consists solely of activities that the Department of Housing and Urban Development has determined to be categorically excluded from NEPA requirements in applicable regulations (24CFR 58). All activities in this project meet one of the set of conditions established in Sections 58.34 and 58.35(b) (copy attached) referenced below:

EXEMPT Projects

- _____ 58.34(a)(1)
- _____ 58.34(a)(2)
- _____ 58.34(a)(3)
- _____ 58.34(a)(4)
- _____ 58.34(a)(5)
- _____ 58.34(a)(6)
- _____ 58.34(a)(7)
- _____ 58.34(a)(8)
- _____ 58.34(a)(9)
- _____ 58.34(a)(10)
- _____ 58.34(a)(11)
- _____ 58.34(a)(12)

CENST Projects

- _____ 58.35(b)(1)
- _____ 58.35(b)(2)
- _____ 58.35(b)(3)
- _____ 58.35(b)(4)
- _____ 58.35(b)(5)
- _____ 58.35(b)(6)

In accordance with 58.34 and 58.35, evidence that the environmental requirements of the laws and authorities cited at 24 CFR 58.5 is filed elsewhere in the Environmental Review Record for this project.

IV. STATEMENT OF EXEMPTION

It is the finding of the (GRANTEE) that the above project as proposed in the 20XX CDBG application is exempt from environmental review requirements of NEPA and the environmental requirements of related Federal authorities because the activities are defined as exempt activities in 58.34 and 58.35(b).

Signature of Certifying Officer

Date

Certification of Categorical Exclusion (not subject to § 58.5)

Determination of activities per 24 CFR § 58.35(b)
May be subject to provisions of 24 CFR § 58.6, as applicable

Project Name: _____

Project Description: _____

Address: _____

Funding Source: CDBG_____ HOME_____ ESG_____ HOPWA_____

EDISP Grant_____ Other_____

Funding Amount: _____ Grant Number: _____

	1. Tenant-based rental assistance;
	Supportive services including, but not limited to, health care, housing services, permanent housing placement, day care, nutritional services, short-term payments for rent/mortgage/utility costs, and assistance in gaining access to local, State , Federal government benefits and services;
	Operating costs including maintenance, security, operation, utilities, furnishings equipment, supplies, staff training and recruitment, and other incidental costs;
	Economic development activities, including but not limited to equipment purchase, inventory financing, interest subsidy, operating expenses and similar costs not associated with construction or expansion of existing operations;
	Activities to assist homebuyers to purchase existing dwelling units under construction, including closing costs and down payment assistance, interest buy downs, and similar activities that result in the transfer of title;
	Affordable housing pre-development costs including legal, consulting, developer and other costs related to obtaining site options, project financing, administrative costs and fees for loan commitments, zoning approvals and other related activities which do not have a physical impact;
	Approval of supplemental assistance (including insurance or guarantee) to a project previously approved under this part, if the approval is made by the same responsible entity that conducted the environmental review on the original project and re-evaluation of the environmental findings is not required under §58.47.

If your project falls into any of the above categories, you do not have to submit a Request for Release of Funds (RROF), and no further approval is needed for the drawdown of funds. However, the Responsible Entity must still document in writing its compliance with and/or applicability of "other requirements" per 24 CFR §58.6 (included with this document).

By signing below the Responsible Entity certifies in writing that each activity or project is Categorically Excluded (not subject to §58.5) and meets the conditions specified for such determination per section 24 CFR §58.35(b). Please keep a copy of this determination in your project files.

Responsible Entity Certifying Official Name
(please print)

Title

Responsible Entity Certifying Official Signature

Date

Categorical Exclusion Suggested Format for Activities NOT Subject to § 58.5
--

The requirements under §58.6 may be applicable to §58.35(b) and § 58.34 determinations. The following format is suggested to document compliance with §58.6 in completing the environmental review process.

STATUTES and REGULATIONS listed at 24 CFR 58.6

FLOOD INSURANCE / FLOOD DISASTER PROTECTION ACT

(Guidance)

1. Does the project involve the acquisition, construction or rehabilitation of structures, buildings or mobile homes?

- ☐ No; flood insurance is not required. The review of this factor is completed.
- ☐ Yes; continue.

2. Is the structure or part of the structure located in a FEMA designated Special Flood Hazard Area?

- ☐ No. Source Document (FEMA/FIRM floodplain zone designation, panel number, date): (Factor review completed).
- ☐ Yes; Source Document (FEMA/FIRM floodplain zone designation, panel number, date): (Continue review).

3. Is the community participating in the National Flood Insurance Program (or has less than one year passed since FEMA notification of Special Flood Hazards?)

- ☐ Yes. Flood Insurance under the National Flood Insurance Program must be obtained and maintained for the economic life of the project, in the amount of the total project cost. A copy of the flood insurance policy declaration must be kept in the Environmental Review Record.
- ☐ No. **Federal assistance may not be used in the Special Flood Hazards Area.**

COASTAL BARRIERS RESOURCES ACT

(Guidance)

1. Is the project located in a coastal barrier resource area?

(http://www.fws.gov/habitatconservation/coastal_barrier.html)

- ☐ No; Cite source documentation. (This element is complete)
- ☐ Yes. **Federal assistance may not be used in such an area.**

AIRPORT RUNWAY CLEAR ZONES AND CLEAR ZONES DISCLOSURES

(Guidance)

1. Does the project involve the sale of acquisition of existing property within a Civil Airport's Runway Clear Zone, Approach Protection Zone or a Military Installation's Clear Zone?

☐ No; Cite SD page: Project complies with 24 CFR 51.303(a)(3).

☐ Yes; **Disclosure statement must be provided** to buyer and a copy of the signed disclosure statement must be maintained in this Environmental Review Record.

—

Preparer Signature / Name / Date

Responsible Entity Official Signature / Title / Date

A-19(b)

This Project is Exempt (224 CFR Part 58.34) from Environmental Review as indicated below:

Project Name and Description: _____

Funding Amount: _____

Signature and Date: _____

Check one or more below and place in the Environmental Review Record:

a. Except for the applicable requirements of Sec. 58.6, the Responsible Entity does not have to comply with the requirements of this part or undertake any environmental review, consultation or other action under NEPA and the other provisions of law or authorities cited in Sec. 58.5 for the activities exempt by this section or projects consisting solely of the following activities:

	Environmental and other studies, resource identification and the development of plans and strategies;
	Information and financial services;
	Administrative and management activities;
	Public services that will not have a physical impact or result in any physical changes, including but not limited to services concerned with employment, crime prevention, child care, health, drug abuse, education, counseling , energy conservation and welfare or recreational needs;
	Inspections and testing of properties for hazards or defects;
	Purchase of insurance;
	Purchase of tools;
	Engineering or dosing costs;
	Technical assistance and training;
	. Assistance for temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair, or restoration activities necessary only to control or arrest the effects from disasters or imminent threats to public safety including those resulting from physical deterioration;
	. Payment of principal and interest on loans made or obligations guaranteed by HUD;
	. Any of the categorical exclusions listed in Sec. 58.35(a) provided that there are no circumstances which require compliance with any other Federal laws and authorities cited in Sec. 58.5

b. A recipient does not have to submit an RROF and certification, and no further approval from HUD or the State will be needed by the recipient for the drawdown of funds to carry out exempt activities and projects. However, the Responsible Entity must document in writing its determination that each activity or project is exempt and meets the conditions specified for such exemption under this section.

Sec. 58.34 Exempt activities

[Code of Federal Regulations]

[Title 24, Volume 1]

[Revised as of April 1, 2010]

From the U.S. Government Printing Office via GPO Access

[CITE: 24CFR58.34]

[Page 395]

TITLE 24--HOUSING AND URBAN DEVELOPMENT

PART 58_ENVIRONMENTAL REVIEW PROCEDURES FOR ENTITIES ASSUMING HUD
ENVIRONMENTAL RESPONSIBILITIES--Table of Contents

Subpart D. Environmental Review Process: Documentation, Range of Activities, Project
Aggregation and Classification

Sec. 58.34 Exempt activities.

(a) Except for the applicable requirements of Sec. 58.6, the responsible entity does not have to comply with the requirements of this part or undertake any environmental review, consultation or other action under NEPA and the other provisions of law or authorities cited in Sec. 58.5 for the activities exempt by this section or projects consisting solely of the following exempt activities:

(1) Environmental and other studies, resource identification and the development of plans and strategies;

(2) Information and financial services;

(3) Administrative and management activities;

(4) Public services that will not have a physical impact or result in any physical changes, including but not limited to services concerned with employment, crime prevention, child care, health, drug abuse, education, counseling, energy conservation and welfare or recreational needs;

(5) Inspections and testing of properties for hazards or defects;

(6) Purchase of insurance;

(7) Purchase of tools;

(8) Engineering or design costs;

(9) Technical assistance and training;

(10) Assistance for temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair, or restoration activities necessary only to control

or arrest the effects from disasters or imminent threats to public safety including those resulting from physical deterioration;

(11) Payment of principal and interest on loans made or obligations guaranteed by HUD;

(12) Any of the categorical exclusions listed in Sec. 58.35(a) provided that there are no circumstances which require compliance with any other Federal laws and authorities cited in Sec. 58.5.

(b) A recipient does not have to submit an RROF and certification, and no further approval from HUD or the State will be needed by the recipient for the drawdown of funds to carry out exempt activities and projects. However, the responsible entity must document in writing its determination that each activity or project is exempt and meets the conditions specified for such exemption under this section.

[61 FR 19122, Apr. 30, 1996, as amended at 63 FR 15271, Mar. 30, 1998]

[[Page 396]]

Sec. 58.35 Categorical exclusions
--

[Code of Federal Regulations]

[Title 24, Volume 1]

[Revised as of April 1, 2010]

From the U.S. Government Printing Office via GPO Access

[CITE: 24CFR58.35]

[Page 396-397]

TITLE 24--HOUSING AND URBAN DEVELOPMENT

PART 58_ENVIRONMENTAL REVIEW PROCEDURES FOR ENTITIES ASSUMING HUD ENVIRONMENTAL RESPONSIBILITIES--Table of Contents

Subpart D. Environmental Review Process: Documentation, Range of Activities, Project Aggregation and Classification

Sec. 58.35 Categorical exclusions.

Categorical exclusion refers to a category of activities for which no environmental impact statement or environmental assessment and finding of no significant impact under NEPA is required, except in extraordinary circumstances (see Sec. 58.2(a)(3)) in which a normally

excluded activity may have a significant impact. Compliance with the other applicable Federal environmental laws and authorities listed in Sec. 58.5 is required for any categorical exclusion listed in paragraph

(a) of this section.

(a) Categorical exclusions subject to Sec. 58.5. The following activities are categorically excluded under NEPA, but may be subject to review under authorities listed in Sec. 58.5:

(1) Acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities and improvements (other than buildings) when the facilities and improvements are in place and will be retained in the same use without change in size or capacity of more than 20 percent (e.g., replacement of water or sewer lines, reconstruction of curbs and sidewalks, repaving of streets).

(2) Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and handicapped persons.

(3) Rehabilitation of buildings and improvements when the following conditions are met:

(i) In the case of a building for residential use (with one to four units), the density is not increased beyond four units, the land use is not changed, and the footprint of the building is not increased in a floodplain or in a wetland;

(ii) In the case of multifamily residential buildings:

(A) Unit density is not changed more than 20 percent;

(B) The project does not involve changes in land use from residential to non-residential; and

(C) The estimated cost of rehabilitation is less than 75 percent of the total estimated cost of replacement after rehabilitation.

(iii) In the case of non-residential structures, including commercial, industrial, and public buildings:

(A) The facilities and improvements are in place and will not be changed in size or capacity by more than 20 percent; and

(B) The activity does not involve a change in land use, such as from non-residential to residential, commercial to industrial, or from one industrial use to another.

(4)(i) An individual action on up to four dwelling units where there is a maximum of four units on any one site. The units can be four one-unit buildings or one four-unit building or any combination in between; or

(ii) An individual action on a project of five or more housing units developed on scattered sites when the sites are more than 2,000 feet apart and there are not more than four housing units on any one site.

(iii) Paragraphs (a)(4)(i) and (ii) of this section do not apply to rehabilitation of a building for residential use (with one to four units) (see paragraph (a)(3)(i) of this section).

(5) Acquisition (including leasing) or disposition of, or equity loans on an existing structure, or acquisition (including leasing) of vacant land provided that the structure or land acquired, financed, or disposed of will be retained for the same use.

(6) Combinations of the above activities.

(b) Categorical exclusions not subject to Sec. 58.5. The Department has determined that the following categorically excluded activities would not alter any conditions that would require a review or compliance determination under the Federal laws and authorities cited in Sec. 58.5. When the following kinds of activities are undertaken, the responsible entity does not have to publish a NOI/RROF or execute a certification and the recipient does not have to submit a RROF to HUD (or the State) except in the circumstances described in paragraph (c) of this section.

Following the award of the assistance, no further approval from HUD or the State will be needed with respect to environmental requirements, except where paragraph (c) of this section applies. The recipient remains responsible for carrying out any applicable requirements under Sec. 58.6.

(1) Tenant-based rental assistance;

[[Page 397]]

(2) Supportive services including, but not limited to, health care, housing services, permanent housing placement, day care, nutritional services, short-term payments for rent/mortgage/utility costs, and assistance in gaining access to local, State, and Federal government benefits and services;

(3) Operating costs including maintenance, security, operation, utilities, furnishings, equipment, supplies, staff training and recruitment and other incidental costs;

(4) Economic development activities, including but not limited to, equipment purchase, inventory financing, interest subsidy, operating expenses and similar costs not associated with construction or expansion of existing operations;

(5) Activities to assist homebuyers to purchase existing dwelling units or dwelling units under construction, including closing costs and down payment assistance, interest buydowns, and similar activities that result in the transfer of title.

(6) Affordable housing pre-development costs including legal, consulting, developer and other costs related to obtaining site options, project financing, administrative costs and fees for loan commitments, zoning approvals, and other related activities which do not have a physical impact.

(7) Approval of supplemental assistance (including insurance or guarantee) to a project previously approved under this part, if the approval is made by the same responsible entity that conducted the environmental review on the original project and re-evaluation of the environmental findings is not required under Sec. 58.47.

(c) Circumstances requiring NEPA review. If a responsible entity determines that an activity or project identified in paragraph (a) or

(b) of this section, because of extraordinary circumstances and conditions at or affecting the location of the activity or project, may have a significant environmental effect, it shall comply with all the requirements of this part.

(d) The Environmental Review Record (ERR) must contain a well organized written record of the process and determinations made under this section.

[61 FR 19122, Apr. 30, 1996, as amended at 63 FR 15272, Mar. 30, 1998;
68 FR 56129, Sept. 29, 2003]

Summary of Procedures and Requirements of Applicable Federal Laws and Regulations

Legislation	Regulations	Applicability	General Requirements	Coordination/Consultation
Historic Preservation				
National Historic Preservation Act, 16 U.S.C. 470(f), Section 106	36 CFR Part 1294, 36 CFR Part 800	All actions affecting properties on or eligible for National Register of Historic Places	Protect sites, buildings, and objects with National, State, or local historic or cultural significance. Identify effects of project on properties.	Coordinate with SHPO, ACHP, DOI (Keeper of the Register)
Floodplains				
E.O. 11988, Floodplain Management	24 CFR Part 55 (when issued)	Any action proposed for a floodplain	Avoid direct or indirect support of floodplain development wherever there is a practicable alternative	
Wetlands				
E.O. 11990, Protection of Wetlands	24 CFR Part 55 (when issued)	Any action proposed for construction in a wetland	Avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative	
Noise				
Noise Control Act 42 U.S.C. 4903	24 CFR Part 51, Subpart B	All actions	Compliance with special provision for CDBG projects required	
Air Quality				
Clean Air Act 42 U.S.C. 7400, et. seq., Section 176 and Section 117		All actions	Federal actions must conform with the SIP	Coordinate with EPA and State and local air pollution control agencies in making conformity determination as appropriate
		Large stationary pollution sources	Compliance with stationary source air pollution standards for major sources emitting 100 tons per year of a single air pollutant	
		All actions	Screen to determine if site is in a location in violation of ambient air quality standard--assess impacts on project	
Hazards				
	HUD Notice 79-33 24 CFR Part 51 Subpart C and D	All actions	Minimize the impact of environmental hazards on HUD-assisted activities--chemical and radioactive materials, activities of flammable or explosive nature, aircraft hazards	Coordinate with EPA and other Federal agencies, as appropriate
Water Quality				
Clean Water Act, 33 U.S.C. 1251-1376, et.seq., Section 404	33 CFR Part 320-325, 33 CFR Part 230	Any activity involving disposal or placement of dredged or fill material in navigable waters	The 404 permit program is administered by Corps of Engineers. EPA has authority to veto permit.	Applicant must have permit before decision on appropriate environmental document
Safe Drinking Water Act, 42 U.S.C. 300		Federally assisted projects which may contaminate an aquifer designated by EPA as the sole source of drinking water for a community	Compliance with 208 plan Prohibits financial assistance of projects which EPA determines may contaminate a designed sole source aquifer	Request from EPA a determination whether project may contaminate the aquifer
Solid Waste Disposal				
Resources Conservation and Recovery Act 42 U.S.C. 6901-6987 Coastal Areas		Any activity which generates solid waste	Requires compliance with Section 209 guidelines	Coordinate with EPA
Coastal Management 16 U.S.C. 1451-1464	Zone Act 15 CFR Part 930 44 FR 37142	Any proposed activity affecting areas covered by an approved coastal	Ensure that projects are consistent with coastal zone program	Coordinate with State Coastal Zone Management Agency. If federally funded action is inconsistent with approved plan, coordinate with DOC Office of Coastal Zone Management
Coastal Resource Act 16 U.S.C. 3501, et. seq.	Barrier 1982	Any proposed construction or development action which may occur on an undeveloped coastal barrier listed in Section 4 of the Act. (Section 6 cites exceptions.)	Prohibits Federal Flood Insurance and other Federal assistance on actions which encourage development of coastal barrier resources.	Coordination with U.S. Fish and Wildlife Service and State Coastal Zone Management Agencies

Summary of Procedures and Requirements of Applicable Federal Laws and Regulations

Legislation	Regulations	Applicability	General Requirements	Coordination/Consultation
Endangered Species				
Endangered Species Act 16 U.S.C. 1531, Section 7	50 CFR Part 402	Any action which might jeopardize continued assistance of endangered or threatened species or result in destruction of modification of critical habitat	Federal agencies shall insure that their actions conserve listed species and ensure, in consultation with FMS/NMFS, that their actions do not jeopardize listed species or modify critical habitat	Coordinate with FMS concerning terrestrial and freshwater species, NMFS concerning marine species
Farmlands Protection				
Farmland Protection Policy Act of 1981 7 U.S.C. 4201, et.seq.	7 CFR Part 658	Any federally assisted action which encourages the conversion of prime, unique, State/locally important farmlands	Minimize the extent to which Federal programs contribute to the unnecessary conversion of farmland to nonagricultural uses.	Coordination with SCS (USDA) State Resource Conservation Office
Wild and Scenic Rivers				
Wild and Scenic Rivers Act 16 U.S.C. 1271-1257	President's Environmental Message, 8-2-79, CBQ Memorandum, 8-10-80, Interagency Consultation on Rivers in the Nationwide Inventory	Rivers designated under the Act Proposed activity affecting rivers on the Nationwide inventory of potential wide, scenic and recreational rivers	Preserve wild and scenic rivers. Assure that Federal actions do not foreclose designation under the Wild and Scenic Rivers Act	Coordinate with HCERS and USDA Forest Service, as appropriate Coordinate with HCERS

Office of Policy and Federal Programs
William R. Snodgrass Tennessee Tower, 10th Floor
312 Rosa L. Parks Avenue
Nashville, Tennessee 37243-1102
615-741-6201 Voice/TDD / FAX: 615-253-1870

EXAMPLE

The Honorable Jane Q. Public
Mayor
City Hall
Anytown, Tennessee 37000

Re: 2007 Easy Street Sewer Line Extension

Dear Mayor Doe:

On August 1, 2007, your environmental review record and Request for Release of Funds and Certification (RROF) was received in this office.

The RROF has been held for 15 days, as required by HUD regulations 24 CFR. Part 58, to allow the public to object to the use of HUD funds in this project. There being no valid objections, the grant condition, requiring this project to be environmentally cleared, was removed on August 17, 2007.

You cannot proceed with your project until you have satisfied all contract conditions.

If you have any questions, please call your program representative at (615) 741-6201.

Sincerely,

Paula Lovett
Grants Program Manager

PL:mwf

Tribal Consultation Under the National Historic Preservation Act

HUD National Webpage

<http://www.hud.gov/offices/cpd/environment/review/rivers.cfm>

HUD TDAT Tribal Database

<http://www.hud.gov/offices/cpd/environment/tribal/>

ACHP Additional Information of Tribal Consultation

<http://www.achp.gov/nap.html>

Tribes in Bold Have THPOs

All Other Tribes Are Consulting Parties

See TDAT for Counties of Interest in Each State

Tribe	State	When
The Chickasaw Nation <i>The Chickasaw Tribal Legislature</i> Bill Anoatubby, Governor P.O. Box 1548 Ada, OK 74820 Tel# (405) 436-1460 Fax# 436 4287	AL, TN	

<p>Eastern Band of Cherokee Indians Russell Townsend, THPO Email: rustown@nc-chokeee.com Tel: 828.554.6851 Fax: 828.488.2462</p> <p>Attention: Tyler B. Howe Tribal Historic Preservation Specialist Eastern Band of Cherokee Indians Qualla Boundary Reservation PO Box 455 Cherokee, NC 28719 Tel: 828.554.6852 Fax: 828-497-1590 E-mail: tylehowe@nc-chokeee.com</p>	<p>AL, GA, KY, MS, NC, SC, TN</p>	<p>Initiate Section 106 consultation with Tribe, via letter, if disturbing soil not classified as Urban Soil per the most recent Natural Resource Conservation Service County Soil Survey. (http://websoilsurvey.nrcs.usda.gov/app/)</p> <p>Send courtesy notification, via email, if disturbing soil classified as Urban Soil per the most recent Natural Resource Conservation Service County Soil Survey.</p> <p>Please include your email address in your letter requesting consultation.</p>
<p>Muscogee (Creek) Nation, OK Creek Nation of Oklahoma <i>Okmulgee Agency</i> AD Ellis, Principal Chief P.O. Box 580 Okmulgee, OK 74447 Tel# (918) 756-8700, Fax# 756-291</p> <p>Section 106 Contact Ted Isham Tel. No. 918-732-7731 tisham@muscogeenation-nsn.gov</p>	<p>AL, FL, GA, TN SC</p>	<p>Consult for new soil disturbance</p> <p>Consult as consulting part via email only.</p>
<p>Poarch Band of the Creek Indians of Alabama, AL Robert Thrower, THPO 5811 Jack Springs Road Atmore, AL 36502-5025 Tel: 251.368.9136 x2281 Fax: 251.368.0835 Email: rgthrower@hotmail.com</p>	<p>AL, FL, TN</p>	
<p>Quapaw Tribe of Oklahoma Jean Ann Lambert, THPO PO Box 765 Quapaw, OK 74363-0765 Tel: 918.542.1853 Fax: 918.542.4694 Email: jlambert@quapawtribe.com</p>	<p>KY, MS, TN</p>	

Catawba Indian Nation, SC Attention: Caitlin Totherow, THPO 1536 Tom Steven Road Rock Hill, SC 29730 Tel: 803.328.2427 x 226 Fax: 803.328.5791 Email: caitlinh@ccppcrafts.com Website: http://www.ccppcrafts.com	NC, SC, TN (Monroe County only)	Initiate Section 106 consultation anytime you consult with SHPO, but only if disturbing any soil. They will not accept an email.
Absentee-Shawnee Tribe of Indians, OK George Blanchard, Governor 2025 S Gordon Cooper Shawnee OK 74801 Henryetta Ellis, THPO 2025 S Gordon Cooper Shawnee OK 74801 Tel: 405.275.4030 x199 Fax: 405.878.4711 Email: hellis@astribe.com Website: http://www.astribe.com	TN	The Absentee-Shawnee Tribe of Indians, OK wants to be consulted as a THPO for new construction and soil disturbance. She wants to be consulted electronically by emails.
Alabama-Quassarte Tribal Town, OK <i>Okmulgee Agency</i> Parpie Yargee, Chief PO Box 187 Wetumka, OK 74883 405-452-3987, Ext 227 Environmental Officer Augustine Asbury 405-452-3987, Ext 228 aqttcultural@yahoo.com	TN	The Alabama-Quassarte Tribal Town wants to be consulted as a party of interest on new construction and projects with soil disturbance.
Cherokee Nation of Oklahoma <i>Muskogee Area Office</i> Chadwick Smith, Chief chad-smith@cherokee.org P.O. Box 948 Tahlequah, OK 74465 Tel# (918) 456-0671, Fax# 456- 6485 Pat Gwin Historic Preservation Officer 918-453-5704 Pat-gwin@cherokee.org	TN	

<p>Eastern Shawnee Tribe of Oklahoma, MO <i>Eastern Shawnee Tribal Council</i> Glenna Wallace, Chief P.O. Box 350 Seneca, MO 64865 Tel# (918) 666-2435, Fax# 666-3325</p> <p>Environmental Contact Robin Dushain Tel No. 918-666-2435 Ext 247 Work Cell No. 918-533-4104 Email:rdushain@estoo.net</p>	TN	<p>The Eastern Shawnee Tribe of Oklahoma wants to be consulted as a party of interest on new construction and projects with soil disturbance.</p>
<p>Kialagee Tribal Town <i>Okmulgee Agency</i> Tiger Hobia, Meeko P.O. Box 332 Wetumka, OK 74883 tigerhobia@yahoo.com kialageetribaltown@ymail.com Tel# (405) 452-3263, Fax# 452-3413</p> <p>No HP contact Mary Given Director of Housing 405-452-3125</p>	TN	<p>Consult as you would other consulting parties.</p>
<p>Shawnee Tribe, OK Ron Sparkman, Chairman PO Box 189 Miami, OK 74354 918-542-2441</p> <p>Tribe Administrator Jody Hayes 918-542-2441 shawneetribes@shawnee-tribe.com</p>	TN	<p>The Shawnee Tribe of OK wants to be consulted only on new construction and projects with soil Disturbance.</p> <p>They want to be contacted by email</p>

Thlopthlocco Tribal Town, OK Thlopthlocco Tribal Town <i>Okmulgee Agency</i> Mekko George Scott P.O. Box 188 Okemah, OK 74859-0188 Phone: (918) 560-6198 Fax: (918) 560-6196 Email: gscott@tttown.org www.tttown.org	TN	
United Keetoowah Band of Cherokee Indians in Oklahoma, OK <i>United Keetoowah Band Tribal Council</i> George Wickliffe, Chief 2450 Muskogee Ave., P.O. Box 746 Tahlequah, OK 74465 Tel# (918) 431-1818, Fax# 456- 1873 HP contact: Lisa LaRue Historic Preservation Officer llarue@unitekertoowahband.org 918-772-4329	TN	The United Keetoowah Band of Cherokee Indians of OK wants to be consulted as a consulting party only on new construction and projects with soil Disturbance. Consult by email only.
Mowa band of Choctaw <i>Choctaw Agency</i> Framon Weaver, Chief Route 1, Box 330-A, Reservation Rd. Mt. Vernon, AL 36560 Tel# (205) 829-5500, Fax# 829- 5580	TN, AL	
Choctaw Nation of Oklahoma Ian Thompson, Ph.D., RPA Tribal Archaeologist / NAGPRA Specialist, THPO Historic Preservation Office Choctaw Nation of Oklahoma P.O. Drawer 1210 Durant, OK 74701 800.522.6170 ext. 2216	LA, MS, TN	Per email of 3-8-2011 - only wants to see projects with soil disturbance

TN County	Absentee Shawnee	Alabama- Quassarte	Catawba	Cherokee	Chickasaw	Choctaw	EBCI (Eastern Band Cherokee) of	Eastern Shawnee	Kialagee	Mowa	Muscogee	Poarch	Quapaw	Shawnee	Thlopthlocco	United Keetoowah
	THPO		THPO			THPO	THPO					THPO	THPO			
Anderson				X			X	X						X	X	X
Bedford		X		X	X		X	X	X		X			X	X	X
Benton					X		X	X						X	X	X
Bledsoe		X		X			X	X	X		X			X	X	X
Blount				X			X	X						X	X	X
Bradley		X		X			X	X	X		X	X		X	X	X
Campbell				X			X	X						X	X	X
Cannon		X		X	X		X	X	X		X			X	X	X
Carroll					X			X						X	X	X
Carter				X			X	X						X	X	X
Cheatham	X	X		X	X		X	X	X		X			X	X	X
Chester		X			X	X		X	X		X			X	X	X
Claiborne				X			X	X						X	X	X
Clay				X			X	X						X	X	X
Cocke				X			X	X						X	X	X
Coffee		X		X	X		X	X	X		X			X	X	X
Crockett		X			X			X	X		X			X	X	X
Cumberland		X		X			X	X	X		X			X	X	X
Davidson	X	X		X			X	X	X		X			X	X	X
Decatur		X			X		X	X	X		X			X	X	X
DeKalb		X		X			X	X	X		X			X	X	X
Dickson	X	X		X	X		X	X	X		X			X	X	X
Dyer					X			X					X	X	X	X
Fayette		X			X	X		X	X		X		X	X	X	X
Fentress				X			X	X						X	X	X
Franklin		X		X	X		X	X	X		X	X		X	X	X
Gibson					X			X						X	X	X
Giles		X		X	X		X	X	X		X	X		X	X	X
Grainger				X			X	X						X	X	X
Greene				X			X	X						X	X	X

TN County	Absentee Shawnee	Alabama- Quassarte	Catawba	Cherokee	Chickasaw	Choctaw	EBCI (Eastern Band Cherokee) of	Eastern Shawnee	Kialagee	Mowa	Muscogee	Poarch	Quapaw	Shawnee	Thlopthlocco	United Keetoowah
THPO			THPO			THPO	THPO					THPO	THPO			
Grundy		X		X	X		X	X	X		X			X	X	X
Hamblen				X			X	X						X	X	X
Hamilton		X		X	X		X	X	X		X	X		X	X	X
Hancock				X			X	X						X	X	X
Hardeman		X			X	X		X	X		X			X	X	X
Hardin		X		X	X		X	X	X		X	X		X	X	X
Hawkins				X			X	X						X	X	X
Haywood		X			X	X		X	X		X			X	X	X
Henderson		X			X			X	X		X			X	X	X
Henry					X			X						X	X	X
Hickman		X		X	X		X	X	X		X			X	X	X
Houston	X	X		X	X		X	X	X		X			X	X	X
Humphreys	X	X		X	X		X	X	X		X			X	X	X
Jackson				X			X	X						X	X	X
Jefferson				X			X	X						X	X	X
Johnson				X			X	X						X	X	X
Knox				X			X	X						X	X	X
Lake	X				X			X					X	X	X	X
Lauderdale					X			X					X	X	X	X
Lawrence		X		X	X		X	X	X		X	X		X	X	X
Lewis		X		X	X		X	X	X		X			X	X	X
Lincoln		X		X	X		X	X	X		X	X		X	X	X
Loudon		X		X			X	X	X		X			X	X	X
Macon				X			X	X						X	X	X
Madison		X			X	X		X			X			X	X	X
Marion		X		X	X		X	X	X		X	X		X	X	X
Marshall		X		X	X		X	X	X		X			X	X	X
Maury		X		X	X		X	X	X		X			X	X	X
McMinn		X		X			X	X	X		X			X	X	X
McNairy		X			X	X		X	X		X			X	X	X

TN County	Absentee Shawnee	Alabama- Quassarte	Catawba	Cherokee	Chickasaw	Choctaw	EBCI (Eastern Band Cherokee)	of Eastern Shawnee	Kialagee	Mowa	Muscogee	Poarch	Quapaw	Shawnee	Thlopthlocco	United Keetoowah
	THPO		THPO			THPO	THPO					THPO	THPO			
Meigs		X		X			X	X	X		X			X	X	X
Monroe		X	X	X			X	X	X		X			X	X	X
Montgomery	X			X	X		X	X			X			X	X	X
Moore		X		X	X		X	X	X		X			X	X	X
Morgan		X		X			X	X	X		X			X	X	X
Obion					X			X					X	X	X	X
Overton				X			X	X						X	X	X
Perry		X		X	X		X	X	X		X			X	X	X
Pickett				X			X	X						X	X	X
Polk		X		X			X	X	X		X	X		X	X	X
Putnam				X			X	X						X	X	X
Rhea		X		X			X	X	X		X			X	X	X
Roane		X		X			X	X	X		X			X	X	X
Robertson	X			X	X		X	X						X	X	X
Rutherford		X		X	X		X	X	X		X			X	X	X
Scott				X			X	X						X	X	X
Sequatchie		X		X			X	X	X		X			X	X	X
Sevier				X			X	X						X	X	X
Shelby		X			X	X		X	X		X		X	X	X	X
Smith	X			X			X	X						X	X	X
Stewart				X	X		X	X						X	X	X
Sullivan				X			X	X						X	X	X
Sumner	X			X			X	X						X	X	X
Tipton		X			X	X		X	X		X		X	X	X	X
Trousdale	X			X			X	X						X	X	X
Unicoi				X			X	X						X	X	X
Union				X			X	X						X	X	X
Van Buren		X		X			X	X	X		X			X	X	X
Warren		X		X	X		X	X	X		X			X	X	X
Washington				X			X	X						X	X	X
Wayne		X		X	X		X	X	X		X	X		X	X	X

TN County	Absentee Shawnee	Alabama-Quassarte	Catawba	Cherokee	Chickasaw	Choctaw	EBCI (Eastern Band of Cherokee)	Eastern Shawnee	Kialagee	Mowa	Muscogee	Poarch	Quapaw	Shawnee	Thlopthlocco	United Keetoowah
	THPO		THOP			THPO	THPO					THPO	THPO			
Weakley					X			X						X	X	X
White		X		X			X	X	X		X			X	X	X
Williamson		X		X	X		X	X	X		X			X	X	X
Wilson	X	X		X			X	X	X		X			X	X	X